

## **complaint**

Ms B complains that HSBC UK Bank Plc has passed her debt to a business to collect.

## **background**

Ms B says her debt has been passed to a company whom I will call "W". She complains about the way in which W has treated her and says it's been aggressive in its dealings with her. She also says it's threatened her and she would like HSBC to take the debt back.

HSBC says the debt goes back to about 2012 and it made the decision in early 2018 to pass her debt to W. It says it still owns the debt and has raised Ms B's concerns with W and will review any other complaints about W. HSBC says Ms B should contact W about the debt and if possible agree any repayment plan with it.

Ms B brought her complaint to us as but our investigator didn't uphold it and didn't think HSBC had made a mistake or acted unfairly. The investigator thought it likely that the account terms and conditions would allow HSBC to pass her debt to W and HSBC had acted fairly by speaking to W about Ms B's concerns.

Ms B doesn't accept that view.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so I've come to the same view as the investigator. I realise Ms B will be disappointed by my decision.

I think it likely that the original account terms and conditions would have allowed HSBC to either sell a debt or use a third party company such as W to collect a debt. I think those sorts of conditions and arrangements are common practice and allow banks and building societies to use specialised companies to collect debts. I appreciate that due to the time that has passed since these accounts were opened HSBC has been unable to provide the account opening documents. But I don't think HSBC has made a mistake or acted unfairly by using W in this case.

I appreciate that Ms B would prefer to deal with HSBC. But I'm satisfied that it's up to HSBC to decide upon such matters when exercising its commercial judgment. I can't fairly interfere in those sorts of business decisions. I'm also satisfied that HSBC has acted fairly by speaking to W about Ms B's concerns and by offering to monitor the position.

I hope Ms B can reach an agreement with W about any repayment plan and as the investigator has explained she is able to complain to it directly if she feels it's acted inappropriately.

Overall I'm satisfied HSBC has acted fairly and reasonably and hasn't made a mistake.

**my final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms B to accept or reject my decision before 22 April 2019.

David Singh  
**ombudsman**