

complaint

Mr M complains Wescot Credit Services Limited harassed him for a debt he didn't owe and told lies about how it acquired the debt. He wants compensation.

background

Mr M tells us Wescot bought a debt from a company I'll refer to as H. He says H was trying to bully him into paying a disputed credit card debit. And he says Wescot itself then sought to harass him and denied there was any dispute or litigation over the debt. He says this is in breach of the lending and banking codes. He wants compensation for what he describes as "*harassment, mendacity and substantial costs incurred*".

Wescot told us it had been instructed by H to collect a debt. It had not purchased the account. It was unaware of any fraud allegation or legal action being taken in relation to the account. It didn't think the content of letters it sent to Mr M was threatening and had found no evidence the frequency of contact had exceeded industry standards or constituted harassment. It went on to explain collection activity had been suspended after Mr M made contact in August. Prior to this its collection activity amounted to sending two letters to his address and attempting two phone calls. It said it was no longer involved with the account as H had withdrawn the account in late October. It wouldn't be offering compensation.

Mr M wasn't satisfied and complained to us.

The adjudicator gave a very detailed opinion and didn't recommend the complaint should be upheld. She found the debt had not been bought by Wescot nor had it been untruthful in saying it was not aware of any dispute, fraud investigation or litigation in relation to the debt. And she didn't think the contact from Wescot amounted to harassment. She found Wescot was doing its job on the basis of information supplied by H - which it was entitled to accept at face value. The level of contact was fair and reasonable for the purpose of debt collection. She didn't think there were any grounds for compensation and wouldn't be upholding the complaint.

Mr M didn't agree with this and said so in vigorous terms. The complaint has been passed to an ombudsman to make the final decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I can see from the contents of Mr M's reply to our adjudicator he feels strongly about this matter. And he's made a number of allegations both about Wescot and the way in which this service has dealt with his complaint. Whilst it's always regrettable if someone *feels* they've been harassed or unfairly treated I've found no evidence to confirm this was actually the case.

I'm aware Mr M believes if he didn't owe the debt *any* collection activity amounts to harassment. Whilst I understand why he may think this - it's not what the law says. And whilst I don't apply the law I do take account of it when deciding what's fair and reasonable.

In order to put this complaint into context it's necessary to return to the very start. But I must emphasise I'm only looking at the actions of Wescot - not H. Mr M complained to H about an unauthorised debit transaction. This in turn led to him complaining to us about H - a complaint which wasn't upheld. Subsequently H instructed Wescot to collect the amount that was subject of the disputed transaction.

I'm aware Mr M doesn't think we should refer to previous decisions - but we're an evidence based organisation and anything which is relevant to a current complaint should be taken into consideration. And it's relevant to this complaint to know how Wescot came to administer the account.

The adjudicator gave a very full explanation, which I adopt, as to why she thought Wescot had acted fairly. And I agree with her view that Wescot was entitled to rely on what H had told it. And that included being told the debt was owed by Mr M and wasn't the subject of any current dispute. She found Wescot hadn't bought the debt and she was correct to do so.

When Mr M raised these issues with Wescot it responded very quickly and suspended collection activity within a few days so enquiries could be made. In terms of the actual time Wescot administered the account until it suspended activity there was only two weeks. And during that period I can see no evidence that it acted other than correctly. The amount of communication was modest and could not reasonably be said to be anything approaching harassment or in breach of guidelines regarding collection methods. I understand H subsequently recalled the account from Wescot and has written off the amount. So hopefully this should mean Mr M will have no further problems regarding it.

But as far as this complaint is concerned I'm in agreement with the adjudicator and for the same reasons in finding Wescot has not done anything wrong. And whilst it's likely Mr M will take this to reinforce his views about bias - having carefully considered the information provided by both parties I believe it's a fair and reasonable outcome. So I shan't be upholding this complaint.

Mr M has made reference to legal action - which is a matter for him - but this decision brings to an end our involvement as an informal resolution service.

my final decision

For the reasons given above my final decision is I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 19 March 2018.

Stephen D. Ross
ombudsman