

complaint

Ms M complains Capquest Debt Recovery Limited is chasing her for a debt that isn't hers. She also says that it's harassing her by pursuing the debt.

background

In October 2010 and December 2012, two accounts were set up with a catalogue company in Ms M's name. Ms M says that her sister stole her identity, used her email address and set up these accounts in her name.

The accounts weren't being paid and so they were sold to Capquest in May 2013. At that point, the total debt was around £9,300. Capquest sent various letters and texts to Ms M asking her to contact them to discuss the debt. Capquest's notes show that very little communication was received from Ms M. And the first time Ms M told Capquest that she didn't run up the debt herself was in December 2013.

Capquest asked Ms M for some identification documents from her so it could look into her claims that she wasn't responsible for these debts. Ms M refused to give this information to Capquest. Capquest also made contact with the catalogue company to get more information and was told that:

- most goods bought were delivered to Ms M's home address and a few were sent to a Collect + store near Ms M's home address.
- Ms M had been in touch with the catalogue company, by phone and email, about orders that hadn't arrived, advising of financial difficulties and making arrangements to pay.
- at no point did Ms M dispute either of the accounts with the catalogue company.

Ms M says that when she discovered what her sister had done, family members convinced her not to report it to the police because her sister had agreed to pay it back. Ms M says that her sister did pay for a while but then stopped. Ms M says that in her culture, family members cannot be reported '*due to fear of reprisals*' so she still won't report this matter to the police.

Ms M says she cannot afford to pay for this debt and the payments she's made so far were only because she was scared by the tactics used by Capquest.

Our adjudicator looked at this matter. He felt there wasn't enough evidence to say that the accounts don't belong to Ms M. He acknowledged that the date of birth the catalogue company had is different from Ms M's date of birth. But he noted that this could've been an error when the information was input and that this was the only difference. The name, address, and record of email and telephone correspondence all suggested to him that the accounts, and therefore the debts, belong to Ms M.

Our adjudicator also said that, based on the evidence he'd seen, he thought Capquest acted supportively once Ms M disclosed that she was in financial difficulties, by referring her to free and independent debt advice organisations.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Where there's a dispute about what happened, I've decided what I think's most likely in light of the evidence.

Having done so, I think the adjudicator has reached the right outcome. And I think the adjudicator has set out the position very clearly so there is very little I can add to what the adjudicator has already said.

Taking everything into account, I just don't think that there's any evidence which shows that Ms M didn't set up the catalogue account.

I can see that Ms M says her sister used her email account and this is how she fraudulently opened the catalogue accounts in Ms M's name. But the email address on the consumer credit agreements used by the catalogue company when contacting Ms M, is the email address which is still being used by Ms M in her complaint with this service. And I just don't think it's likely that someone would continue to use an email account that had been compromised.

Even if I thought that it was Ms M's sister who set up the account, I think that Ms M accepted responsibility for it later when she says agreed that she'd pay it back and her sister would pay her. Had Ms M's sister continued paying money to Ms M, then I suspect Ms M would've allowed that to continue.

Having looked at Capquest's notes, I can see that it listened to Ms M, referred her to debt organisations and agreed a reasonable payment proposal. In contrast, Ms M seemed to have ignored Capquest in the hope it'd go away. However, I think that she should've given it the information it asked for and tried to agree an acceptable repayment schedule sooner. On balance, I don't think Capquest harassed Ms M or treated her unfairly when contacting her about repayment of the debt.

my final decision

For the reasons set out above, my final decision is that I don't uphold Ms M's complaint. So Capquest Debt Recovery Limited don't need to do anything to put things right.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms M to accept or reject my decision before 24 August 2015.

Rebecca Ellis
ombudsman