

complaint

Mr G complains that Capital One Europe Plc changed the debt recovery company it was using without telling him, that it harassed him and called his mother about his debt. He wants them to stop chasing him and write off the debt outstanding.

our initial conclusions

The adjudicator recommended that the complaint should not be upheld. He concluded, in summary, that Capital One had not acted unreasonably. Mr G said that his valid complaints had not been considered.

my final decision

To decide what is fair and reasonable in this complaint, I have considered everything that Mr G and Capital One have provided.

Mr G's debt with Capital One has been in default since 2009. In 2012 it changed the debt recovery company it was using on this debt. In an effort to contact Mr G the company called a phone number at an address where Mr G had lived and spoke to his mother. Capital One has provided a recording of the call. The company has written to and called Mr G many times in an effort to agree repayment terms for the debt. I find that it is not unreasonable for Capital One to change the debt recovery company it uses and that the company tried to contact Mr G to advise him it was now involved. I find that the recording of the conversation with his mother does not indicate that the company said anything inappropriate about Mr G. It has now deleted her number from its records. I understand that being chased on a regular basis for repayment of a debt can be distressing and the call to his mother was embarrassing. But I conclude that the business is allowed to seek repayment and that it has not made an error in its handling of this situation. I encourage Mr G to maintain contact with the business to ensure an appropriate repayment plan is in place.

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr G either to accept or reject my decision before 25 July 2013.

John Thornton

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.