

complaint

Mr W complains that Capquest Debt Recovery Limited has continued to pursue him for payment of a debt which has already been settled.

background

A debt Mr W had was assigned to Capquest in 2012. In 2014 he made an individual voluntary arrangement (IVA) covering a number of debts including this one, and told Capquest about that. But after the IVA was completed in October 2014 he received statements and letters from Capquest. He says that when he telephoned Capquest it said it intended to continue pursuing him for the debt. When he complained to Capquest, in January 2015 it accepted that there had been a delay in recording the IVA completion certificate onto his account. But even after that he continued to receive statements from Capquest about the account.

Our adjudicator recommended that the complaint was upheld, as Capquest should not have continued to write to Mr W. Due to an oversight that had continued even after Capquest responded to his complaint. She recommended that Capquest paid Mr W £50, and Capquest agreed.

Mr W did not agree. He did not think the £50 was enough and also thought the account should now be shown as settled in his credit reference file.

After checking with Capquest the adjudicator said that because all the original debt had not been paid it was reasonable for it to be shown as partially settled. Mr W remained dissatisfied. He said his IVA practitioner had told him the account should be shown as fully settled.

my findings

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

There is no dispute that Capquest should not have continued to contact Mr W after it knew his IVA had completed. I can see that would be annoying, but should not have been too distressing when Mr W knew that matters were actually resolved. I think the £50 in compensation proposed by the adjudicator is fair and reasonable, so long as Capquest has now ensured he receives no more contacts about the debt.

Mr W has paid considerably less than the amount originally owed. Although the rest of the debt has been written off, I do not think it is unreasonable for the account to be shown as partially settled/satisfied (but closed). In any event, even though his IVA is now completed, the fact that Mr W had an IVA will remain on his credit record for six years from when it began.

my final decision

My final decision is that I uphold this complaint. In full and final settlement I order Capquest Debt Recovery Limited to pay Mr W £50 and to ensure Mr W receives no more contacts about the debt.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 26 October 2015.

Hilary Bainbridge
ombudsman