

## **complaint**

Mr E complains about being asked by Capquest Debt Recovery Limited to repay a debt he says is not his. He believes he has been harassed by Capquest and believes he should be compensated for his inconvenience.

Mr E is represented in his complaint by his father, who will be referred to as Mr W.

## **background**

In November 2012 Mr E was contacted by Capquest about a debt which it said he owed to a catalogue company. Mr E said that the debt was not his and his father, Mr W, complained to Capquest about his son being wrongly asked to repay the debt. Capquest investigated the complaint and in January 2013 Mr E was informed by the original creditor that the debt had been cleared and any information on his credit file would be removed.

The adjudicator who considered the complaint did not recommend it be upheld. In summary, she did not think Capquest would have initially been aware that the account was not opened by Mr E and she was satisfied Mr E was not contacted as a result of a 'mis-trace'. She accepted that Capquest could have obtained information from the original creditor sooner than it did, but she did not think any delay was significant. She also noted that it would have been frustrating waiting for Capquest to respond to the complaint but the complaint handling rules do allow a business eight weeks in which to consider a complaint.

Mr W, on behalf of Mr E, did not accept the adjudicator's conclusions and requested the complaint be reviewed.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so, I have not upheld this complaint.

Capquest contacted Mr E about the catalogue debt after it received his personal details from the original creditor. Having considered the information it had I can understand why it made contact with Mr E as the information is almost identical to his personal details. Mr E argues however that the original accounts were opened fraudulently using his personal details. I do not think Capquest acted unreasonably in first contacting Mr E about the debt as it would not have known at that point that the account was not opened by Mr E.

Mr E did quickly inform Capquest that the debt was not his and Mr W swiftly raised a complaint with Capquest about this. I appreciate that it did take Capquest several weeks to fully respond to the complaint but as the adjudicator has explained, a business is entitled to a reasonable period to investigate the complaint. While I appreciate a swifter resolution would have been preferable, I do not think the time taken to investigate the complaint was particularly excessive.

Mr E did receive further contact from Capquest while the complaint was being investigated but I do not think this amounted to harassment. The requests were to obtain further information so that the complaint could be investigated, rather than simply ignoring the complaint and continuing to seek repayment of the disputed debt.

The original creditor has now explained that the debt has been cleared and any information on Mr E's credit file has been removed. Capquest also explained, in its letter to Mr W of 17 January 2013, that the original creditor confirmed the account has been reported as fraud and the account is being closed.

I appreciate Mr E and Mr W will still be unhappy about being contacted by Capquest but having considered the circumstances here I do not think Capquest has acted unreasonably or unfairly in its dealings with Mr E. It did investigate the complaint raised and the result of this was that the account was closed with no further requests for repayment being made. On balance, I am not persuaded that Capquest has harassed Mr E for repayment, nor do I think there are sufficient grounds to instruct Capquest to make a payment to Mr E.

**my final decision**

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

Mark Hollands  
**ombudsman**