

complaint

Mr O complains that Credit Resource Solutions Ltd (CRS) have been sending excessive communication about a debt which amounts to harassment. He also complains that the amount that was requested was incorrect.

background

Mr O had a debt with a third party company which was passed to CRS to collect. CRS sent Mr O texts, emails and letters and made automated calls to his phone requesting repayment.

Mr O complains that this contact was excessive and amounts to harassment. Further he says that the amount requested by CRS was wrong and didn't take account of a repayment he had made.

Our adjudicator didn't recommend that the complaint should be upheld. He considered the contact that had been made by CRS was reasonable in the circumstances, especially since Mr O did not respond to any of the contact initially. He thought that the error with the amount owing was because the third party company had failed to tell CRS that a repayment had been made. He didn't think that CRS had done anything wrong.

Mr O didn't agree and replied to say in summary that the amount was wrong and it wasn't relevant that it was because of the third party. He said that there were more calls than the business had said and these were excessive in the circumstances.

The matter has been passed to me, an ombudsman to decide. This is the last stage in our process.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I've reached the same conclusions as the adjudicator for broadly similar reasons.

It is important to point out that this service doesn't punish businesses for mistakes. I take Mr O's point that when CRS contacted him it was pursuing an incorrect amount. But I don't agree that the reasons for that are irrelevant. CRS was acting in good faith on information given by the third party company. I don't think it is fair or reasonable for me to say that the complaint should be upheld on this basis. There was still a debt outstanding and once Mr O had raised his complaint CRS took steps to establish the correct position with the third party company and the balance was adjusted. There was still a debt outstanding as it had not been paid off in full and so I can't say that it was unreasonable for CRS to contact Mr O.

Mr O says that there were more calls than the business has stated but he hasn't been able to provide any evidence of these. I have looked at the records provided by the business about the contact made and CRS has clarified that automated calls were made in addition to the other forms of contact. As Mr O initially didn't respond or engage I can't say that the contact was excessive. There was a debt outstanding and so there was a legitimate purpose to the contact. Looking at the contact I agree with the adjudicator that it wasn't excessive. I can understand why Mr O was frustrated at the repeated contact and I can appreciate why he considers it amounts to harassment given the nature of the calls, texts and emails. But overall I don't think it is fair or reasonable to say that the contact was excessive in these

circumstances, especially when there was a debt outstanding and Mr O wasn't responding to the contact.

I can't see that Mr O ever suggested that he was experiencing difficulty and when he did ask for the contact to stop as he was making a complaint CRS placed a hold on the account. I know that my decision will be a disappointment to Mr O but I can't say that CRS have acted unfairly or unreasonably and so I don't uphold his complaint.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 3 June 2019.

Emma Boothroyd
ombudsman