

complaint

Mr B complains that Moorcroft Debt Recovery Limited harassed him with phone calls, threats of litigation and a home visit.

background

In February 2012 Moorcroft contacted Mr B about a credit card debt it said he owed a third party lender – which I shall call “A”. Mr B said the debt was unenforceable and Moorcroft shouldn’t contact him again. Moorcroft replied asking Mr B to make contact to discuss repayment - and said it would call at Mr B’s home if it didn’t hear from him.

Mr B told Moorcroft he would consider any visit an act of trespass. But Moorcroft called a month later (in May 2012) and Mr B complained to A that he was being harassed. Debt recovery was put on hold in July 2012 and Moorcroft subsequently returned the matter to A. Mr B says Moorcroft was wrong to visit his home and threaten litigation - and it ignored his correspondence.

Moorcroft considers it took reasonable steps to contact Mr B. And its correspondence wasn’t threatening – it just explained what would happen next if Mr B didn’t make contact. It has apologised for not responding to Mr B’s correspondence as quickly as he would have liked. But says it was obliged to refer what he said back to A and wait for instructions.

Our adjudicator didn’t recommend the complaint should be upheld. He says it wasn’t unreasonable for Moorcroft to seek to recover the debt on A’s behalf. And he’s not persuaded that the level of contact, or the content of correspondence, was unreasonable or amounts to harassment.

Mr B disagrees. He says our adjudicator is biased. And Moorcroft acted unlawfully by making a home visit. He would like the name of the person who called so he can contact the police.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

I can see that this service is dealing with other complaints for Mr B. So, I should clarify that my decision relates only to the actions of Moorcroft.

This service provides independent and impartial dispute resolution. We are not a regulator and it’s not our role to punish financial organisations or individual employees. I want to assure Mr B that I have reviewed carefully all of the evidence - and I have taken everything he has said into account. But, having done so, I have come to the same conclusions as our adjudicator for much the same reasons.

I appreciate Mr B considers the debt is unenforceable. So I understand his frustration that Moorcroft persisted in requesting payment - when he asked it not to. But A says the debt is enforceable. And, as our adjudicator has explained, only a court can decide that. I have no powers to do so.

But Mr B doesn't dispute that he applied for the credit and had the benefit of it. So I'm satisfied it wasn't unreasonable of Moorcroft to contact him and seek repayment, on A's behalf.

Mr B found Moorcroft's correspondence threatening and constituting harassment. I appreciate he didn't want to be pursued for this debt - and must have found any contact about it distressing – especially a visit to his home.

But, I have seen no evidence that Mr B tried to respond to Moorcroft's letters with a view to agreeing a repayment schedule appropriate to his circumstances. And I am not persuaded that the regularity and content of Moorcroft's contact with Mr B was unreasonable, threatening, offensive or otherwise amounted to harassment. So, in the circumstances overall, I can't fairly find Moorcroft has done anything wrong.

Mr B wants Moorcroft to give him the name of the individual who carried out the home visit. But I'm satisfied Moorcroft isn't obliged to provide such information - and it would not be correct for me to order it to do so.

I realise this will come as a disappointment to Mr B but I am unable to uphold his complaint.

my final decision

My decision is that I do not uphold this complaint. Under the rules of the Financial Ombudsman Service, I am required to ask Mr B to accept or reject my decision before 26 March 2015.

Claire Jackson
ombudsman