

complaint

Mrs J has complained about Link Financial Outsourcing Limited pursuing her for a debt.

background

Mrs J had student loans with a third party, which I will call 'B', which are still outstanding. The account was initially being administered by another party, but Link Financial took over the administration in January 2016. As I understand it, in March 2015, the previous administrator contacted solicitors to recover the money owed. The matter later went to court, once Link Financial has taken over the administration, and a judgment was made on 16 September 2016 that the money was owed to B, and leave to appeal was refused.

Mrs J has explained that before the solicitors were instructed, she had letters and calls from debt collectors, which was distressing. She also said she'd contacted the solicitors to explain her circumstances. She feels Link Financial hasn't complied with rules about vulnerable consumers. Further, her MP has told her that Link Financial is the owner of the debt, but she was never informed that the debt was sold to it.

Our investigator didn't think Link Financial had behaved incorrectly, given that there had been a court order, and B was entitled to appoint Link Financial to collect the debt. And she noted that we had already issued a decision regarding the payment not being used to pay off the arrears, so we couldn't look at that further.

Mrs J disagreed. In summary, she said:

- she felt the solicitors tried to bully her into withdrawing her defence;
- as far as she was concerned there were no arrears, as she'd made a voluntary payment in 2002, which she asked be used to set off the arrears, and she'd deferred repayments every year. So why would she contact the solicitors about a repayment plan? Further, she obtained her own legal advice, but nobody would correspond with her solicitors;
- she was at a distinct disadvantage during the court proceedings, as legal aid wasn't available; and
- the court hearing was a farce, and she was refused leave to appeal.

Her complaint's now been passed to me for my decision.

my findings

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

Mrs J has made a number of points. But her complaint is about Link Financial, so I can only look at its actions. Here, it is making attempts to collect a debt, which is owed to B, which Link Financial has confirmed is the legal owner of the debt. And there's a court order saying the money is owed, and requiring it to be repaid. So I can't say that Link Financial, which administers the debt, is wrong to try to collect the money, as instructed by B who it is owed to.

I've seen no evidence that Mrs J was bullied by the solicitors. It seems to me that they were setting out her options, and I think that's reasonable. And although I know it's distressing, I don't think she's been mistreated. She was given the opportunity to arrange a repayment plan, which I think was fair.

I know Mrs J feels she was at a disadvantage in court, and the proceedings were a 'farce'. I can't comment on this, but I'd note that she had the opportunity to put across her defence and counterclaim. I've seen nothing to suggest they weren't fully considered.

Mrs J has also said a payment she made in 2002 wasn't applied against the arrears. But an ombudsman has already issued a decision regarding this, so I can't comment on it further.

my final decision

For the reasons given above, it's my final decision not to uphold this complaint. I make no award against Link Financial Outsourcing Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs J to accept or reject my decision before 25 September 2017.

Elspeth Wood
ombudsman