

complaint

Mr N complains that arvato Financial Solutions Limited have harassed him and wrongly chased him for a debt.

background

Mr N explains that he has been pursued by arvato for a debt that he disputes. He says that arvato have harassed him by making excessive silent telephone calls and exaggerated the debt which is unlawful. He says that the letters he has been sent are meant to intimidate him and he thinks that the business should be punished for its unlawful practices.

Our adjudicator didn't recommend that the complaint was upheld. He thought that arvato had acted correctly when it was told of the dispute by Mr N. It had put collection activity on hold while it checked the situation and it stopped calling Mr N after he complained. He didn't think the calls were excessive and he wasn't persuaded on the evidence that arvato had made silent calls to intimidate Mr N. He explained that this service can't fine or punish businesses. Mr N didn't agree with the adjudicator and asked for an ombudsman to review his complaint about the silent calls and unprofessional behaviour of arvato.

my findings

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

complaint about the exaggerated debt

Mr N says that arvato inflated the debt. I can see that arvato took instructions from the original creditor about the amount outstanding. I can't see that it added anything or tried to charge any more. When Mr N raised a dispute, arvato went back to the original creditor and the amount outstanding was reduced. I can appreciate why Mr N thinks arvato exaggerated the debt but it acted in good faith on instructions from the original creditor and it did query the debt after Mr N raised his dispute. I don't think it is reasonable to expect arvato to investigate every debt it is asked to collect and it hasn't done anything wrong in relying on the information it was given and checking when a query was raised.

silent phonecalls

Mr N has provided details of at least 4 calls that he said were from arvato and disconnected before he answered them. arvato say that the calls "rang out" and were not connected. I don't have enough evidence to say that arvato made silent calls to Mr N to harass him. I think it is more likely that the calls were disconnected before Mr N was able to answer them. In any event I don't consider the amount of calls made by arvato to be excessive in the circumstances.

intimidation

Mr N says that the letterhead of arvato is misleading and designed to intimidate although he hasn't raised this complaint with the business. During the course of his complaint Mr N has said that arvato are unprofessional and try to dupe the customer into paying. I haven't seen anything that would suggest that arvato are trying to use unfair tactics to collect the debt or that they have in any way taken unfair advantage of Mr N.

I appreciate that Mr N disputes the original debt and that he intends to take that up with the business concerned. I understand that he feels that arvato should take some responsibility for collecting a debt that he doesn't think is lawfully owed but based on the information I have seen I can't say that arvato has done anything wrong.

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 N to accept or reject my decision before 11 January 2016.

Emma Boothroyd
ombudsman