

complaint

Mrs A has complained 1st Credit Limited has done nothing to pursue her ex-husband who's also liable to repay their joint debt.

background

Mrs A held a joint bank account with her ex-husband. This went into arrears and was bought by 1st Credit in 2012. Mrs A agreed a repayment plan with 1st Credit. She firstly paid £20 a month then this was reduced to £5 a month. Mrs A knows her ex-husband is now back in the country and has given his new address to 1st Credit. She's upset they've done nothing to locate him but expect her to continue to pay off the debt.

1st Credit pointed out to Mrs A that as the original debt was a joint account, both she and her ex-husband were jointly and individually liable for the whole amount. They'd not been able to locate her ex-husband. They didn't feel they were doing anything wrong in asking Mrs A to continue to pay. She felt they were unduly harassing her. She brought her complaint to the ombudsman service.

Our adjudicator didn't think 1st Credit had done anything wrong. Mrs A was unhappy with this. She's asked an ombudsman to review her complaint.

my findings

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

The first thing to say is I believe Mrs A knows the debt comes from the account she used to hold with her husband. So I think she appreciates she may potentially have to pay the full amount back herself. What she's upset about is she feels 1st Credit hasn't tried to locate her ex-husband with the same amount of rigour as they've done in asking her to pay the debt.

I can reassure her the details she's passed to them about where her ex-husband lives have been investigated. They've not been able to trace him. I know she's shared some additional details with us which may show an updated address. I suggest she shares these too with 1st Credit.

Whilst 1st Credit know where Mrs A is and is currently asking her to pay the full debt – albeit at a low monthly repayment – it is always open to them at some stage to find her ex-husband and pursue him for the debt too. In fact as Mrs A is obviously having some difficulties in affording payments, it's in their own interests to do this. This may mean the debt gets repaid quicker.

Taking this into account I think it's unlikely 1st Credit are not doing what they can to locate her husband. But I can't ask them to stop asking Mrs A to repay the debt as she still has to pay if her ex-husband cannot be located.

I've also looked at whether 1st Credit harassed Mrs A in asking her to repay the debt. From reviewing the evidence I don't believe this is the case. And whilst she continues to make regular payments, contact is likely to be at a low level. Although she will get statements to let her know how much her payments are reducing the debt by.

Overall I don't believe 1st Credit has done anything wrong and I won't be asking them to do anything further.

my final decision

For the reasons I've given, my final decision is not to uphold Mrs A's complaint against 1st Credit Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs A to accept or reject my decision before 8 December 2016.

Sandra Quinn
ombudsman