

## **The complaint**

Miss M complains that BPO Collections Limited contacted her about someone else's debt.

## **What happened**

The background to this complaint and my initial conclusions were set out in my provisional decision. I said:

*Another business (C) appointed BPO to act as debt collectors in relation to an account it owned. BPO completed a tracing exercise that identified Miss M as the potential borrower. BPO says it used information from the credit reference agencies to trace Miss M, but the results it obtained showed a disparity in the date of birth noted.*

*Miss M contacted both C and BPO to explain she wasn't the borrower. Miss M has also explained she contacted the Police, Action Fraud and raised complaints with both C and BPO. Miss M has confirmed she received C's final response but didn't receive anything from BPO in response to her complaint. BPO says it issued a final response on 4 May 2021 by email. In C's final response, it said BPO had traced Miss M's details. C confirmed it wasn't reporting any information on Miss M's credit file and recalled the account from BPO's management.*

*Miss M referred her complaint to this service and it was passed to an investigator. The investigator upheld Miss M's complaint and said BPO should've done more to establish it had traced the correct individual before contacting Miss M. The investigator also said the date of birth discrepancy should've shown something had gone wrong and caused BPO to consider carry out further checks. BPO agreed to pay Miss M £200 for the distress and inconvenience caused.*

*Miss M asked to appeal and said she hadn't received an apology or final response from BPO. Miss M also said she wasn't confident the email BPO had provided to show it sent a final response was genuine. Miss M highlighted that BPO had ignored data returned when it carried out the trace and unfairly made contact with her. Miss M asked for the length of time she's spent dealing with this issue to be considered and explained she felt the compensation award should be increased.*

*As Miss M asked to appeal, her complaint has been passed to me to make a decision.*

## **What I've provisionally decided – and why**

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

*I understand Miss M has serious concerns about BPO's actions which led to her being contacted about a debt that wasn't hers. BPO has provided evidence to show what it found when a tracing exercise was completed. As the investigator said, the results showed a date of birth difference in the information found. I agree this should've caused BPO to either carry out further investigations or check with its client concerning how to proceed. Instead*

*BPO contacted Miss M and it's clear this has caused her a reasonable level trouble and upset.*

*I think Miss M makes a reasonable point when she talks about the number of organisations involved. Miss M has explained she contacted BPO's client and complained. Miss M also contacted the Police and Action Fraud. Miss M has explained she also contacted the credit reference agencies and submitted queries to check whether she'd been the victim of fraud. In addition to the above, Miss M also complained to BPO in order to find out why it had written to her. I'm satisfied there was a reasonable level of inconvenience caused to Miss M in this case.*

*I think it's fair to also consider the level of distress the trace caused Miss M. It's clear Miss M was very concerned that she'd been the victim of fraud and took swift measures to find out what had happened. Whilst I understand that isn't the case, it's clear Miss M was distressed by BPO's actions. I'm satisfied Miss M the impact of the incorrect trace on Miss M was significant.*

*Miss M has questioned whether the final response was emailed to her as BPO claims. I note Miss M's comments about the font, but I'm satisfied BPO did issue a final response as it says. The copy we've seen was forwarded by BPO to our investigator and appears genuine. I don't know why it wasn't received by Miss M at the time, but I'm satisfied it was most likely sent as claimed.*

*I'm not persuaded the existing settlement of £200 fairly reflects the level of distress and inconvenience caused to Miss M. Based on the information I've seen to date, I intend to increase the settlement from £200 to £400. In my view, that figure more fairly reflects what happened and how it affected Miss M.*

I asked both parties to respond with any additional comments they wanted to make. BPO sent us an email that said it is no longer dealing with the account. Miss M told us she was willing to accept the provisional decision but that BPO had sent her another letter explaining the account had been returned to its client.

### **What I've decided – and why**

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

I understand Miss M received another letter from BPO. It sent us a similar email that confirms the account in question is no longer in its control. That should mean Miss M receives no further collections contact from BPO.

Whilst BPO has returned the account to its client, that doesn't change the background to this complaint or the conclusions I reached in my provisional decision. I still think Miss M's complaint should be upheld and that BPO should pay her an increased settlement of £400, for the same reasons.

### **My final decision**

My decision is that I uphold Miss D's complaint and direct BPO Collections Limited to pay her a total of £400 (less any compensation already paid).

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 5 July 2022.

Marco Manente  
**Ombudsman**