

## The complaint

Mr H complains about the way that Chetwood Financial Limited trading as Better Borrow managed his loan account.

Mr H wants Better Borrow to write off the outstanding balance.

## What happened

Mr H has an outstanding loan with Better Borrow. He says that in late 2023, he reduced his loan payments but had no debit card to make a payment. Mr H says that despite telling Better Borrow about this, it has made at least 25 telephone calls and sent texts. Mr H says that in February 2024, Better Borrow made daily calls to his son without his permission.

Mr H says that he grew so concerned, he thought of reporting Better Borrow to the police and has blocked its number to prevent future calls.

Better Borrow didn't uphold Mr H's complaint saying that when it spoke with him on 8 January 2024, he said he would provide an update on his circumstances by the end of the month. As Better Borrow didn't hear back from Mr H, it called him seven times between 1 and 8 February 2024.

As Better Borrow didn't manage to speak with Mr H and then found it could no longer get through on the number it held for him, it used a third party to conduct an identity intelligence and trace. After the third party supplied a linked contact number, Better Borrow rang the number six times over seven days until Mr H's son answered.

Better Borrow didn't think its contact had been excessive. It suggested that Mr H contact the credit reference agencies about his son's telephone number being linked to his credit file.

As Better Borrow didn't think it had done anything wrong, it would not write off the outstanding balance or pay compensation.

Our investigator didn't uphold Mr H's complaint. She appreciated that Mr H found the calls excessive but said she couldn't interfere with the internal processes of a business.

Our investigator was satisfied that the terms of Mr H's account with Better Borrow allowed it to conduct a search once he blocked its number. And that having found a mobile number linked to Mr H, Better Borrow could not have known it belonged to his son.

Our investigator suggested that Mr H speak with the credit reference agencies to find out why the number was linked to his credit file. Our investigator also explained that she could only investigate the complaint as it related to Mr H and could not consider the impact on his son.

Mr H is unhappy with the investigation outcome. He says the only letter he received from Better Borrow was the default notice. Mr H says a debt business has called him and sent an email without his consent.

Mr H says he sent Better Borrow his telephone records after blocking the number for harassing calls and text messages. Mr H says no phone provider can give someone a call record.

Mr H wants Better Borrow to write the debt off and remove the account from his credit file.

### **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.

Although I may not comment on each and every point that Mr H has raised and I have summarised this complaint in less detail than the parties, this doesn't mean I have not read and considered everything he's provided. This is not intended as a discourtesy – it simply reflects the informal nature of this service.

As our investigator explained to Mr H, if he has concerns over contact from a credit or debt collection agency, he will need to raise these first with either Better Borrow or the debt collection business before coming back to our service if he remains unhappy.

Mr H says Better Borrow harassed him, sometimes making three calls a day. I can see that contact of this frequency would have been upsetting but the volume of calls which Mr H says he received, is not reflected in the evidence supplied by Better Borrow. And I haven't seen evidence from Mr H of the repeated contact he says he received between 1 January 2024 and 2 February 2024.

Better Borrow has supplied contact notes which indicate that after it spoke with Mr H on 8 January 2024, it didn't call him again until 1 February 2024. This seems reasonable as Better Borrow had agreed to give Mr H until the end of January 2024 to come back with an update on his financial situation. As Better Borrow doesn't have any record of Mr H providing an update by the end of January 2024, I don't consider it was unreasonable to restart attempts to contact him from 1 February 2024.

Better Borrow's records show that it called Mr H six times between 1 February and 8 February 2024. No more than one call was made daily and all were made after 10 am and before 2:30 pm. Although Mr H would have preferred that Better Borrow didn't ring him, I don't consider that it was unreasonable for Better Borrow to want to discuss the outstanding debt.

Mr H asks why Better Borrow didn't write to him instead of harassing him on the phone. As I've said above, I don't have enough evidence to conclude that Better Borrow was calling Mr H two or three times a day. So, I haven't found the contact amounted to harassment. I also don't have evidence to suggest that Mr H answered any of the calls that Better Borrow made to ask that it put things in writing. It wasn't until Mr H emailed Better Borrow on 20 February 2024 that he asked it to stop calling or texting and only send emails. So, I don't think it was unreasonable for Better Borrow to keep trying his number until this point.

Better Borrow has also supplied details of the texts and emails that it sent to Mr H. I have seen evidence of a total of three texts and four emails sent by Better Borrow to Mr H between January and February 2024. Again, I don't consider this to be evidence of harassment on the part of Better Borrow.

After Mr H blocked Better Borrow's calls, I don't think it was unreasonable of it to try and find an alternative contact number. It's unfortunate that the number it was given by the third party tracing company belonged to his son. But I don't think this was because of a mistake that

Better Borrow made.

Mr H has shared a screenshot of the calls that Better Borrow made to his son's mobile phone. Although I'm grateful for this, Better Borrow doesn't dispute that it made the calls. As it wasn't aware that the mobile number belonged to Mr H's son, I don't think it was unreasonable for Better Borrow to continue making calls. And I'm satisfied that as soon as Better Borrow was made aware that the mobile number did not belong to Mr H, it removed it from its records which was the right thing to do.

Mr H says that the third party which Better Borrow used to perform the tracing check has said that his son's number should not have been linked to his credit file. Mr H thinks Better Borrow should have been aware of this. Our investigator asked Mr H for evidence of his contact with the third party but I can't see it on file. This makes it difficult for me to find that Better Borrow made a mistake when it used the number the third party supplied.

As our investigator told Mr H, we can only consider the complaint as it relates to Mr H. If his son remains unhappy that Better Borrow traced his mobile number and then called him several times, Mr H's son would have to raise these concerns with Better Borrow himself.

Mr H sent Better Borrow an email on 7 March 2024 asking that it put everything to him by letter. This looks to be the first record that Better Borrow has of such a request and I can see that it sent Mr H a default notice by post in early April 2024. Hopefully, this reassures Mr H that if Better Borrow needs to contact him in the future, it will do so by post.

If Mr H is struggling financially to repay the outstanding debt, I suggest that if he hasn't already done so, he speaks to either Better Borrow or the debt collection business if it has taken over collection of the debt. Mr H could also seek advice from one of the free debt advice charities.

As I don't consider Better Borrow treated Mr H unfairly, I don't require it to take any action in response to his complaint.

### **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 H to accept or reject my decision before 5 August 2024.

Gemma Bowen  
**Ombudsman**