

## The complaint

Ms F complains Link Financial Outsourcing Limited trading as Thesis Servicing (Thesis) have ignored her requests for her loan to be written off and how to be communicated with. She says as a result of that she feels harassed and bullied.

## What happened

In October 1996 Ms F took out a loan with another company. The loan has since been acquired by Thesis. Ms F says Thesis have asked for unrealistic information from her doctor in order to write off her loan. And she says they've been contacting her by phone, when she's explicitly asked them to only contact by email because of the stress it causes her. She says Thesis are ignoring the Equality Act 2010.

Thesis thanked Ms F for providing a copy of a letter from her doctor but said unfortunately this wasn't enough for them to write off the loan itself. They said the terms of the account (quoted to Ms F by our Investigator) says the debt could be written off if a doctor's letter is provided which says "*the borrower can show the lender that he gets a disability related benefit and because of his disability is permanently unfit for work*". Thesis went on to say they'd need to see a letter from a medical professional confirming her medical condition, and as a result of the condition she is permanently unfit for work. They said she'd also be required to show evidence of the benefits she received in relation to her medical condition.

Unhappy with this Ms F asked us to look into things. One of our Investigators did so but found Thesis hadn't done anything wrong.

Ms F was unhappy with this, and said she felt we hadn't taken into account the Equality Act 2010. As she didn't agree, the complaint's been passed to me to decide.

## 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 am grateful to Ms F for explaining in detail her circumstances, and I am sorry to hear how difficult things have been for her. I have looked carefully at everything she's told us and taken that into account when deciding the outcome of her case. I should explain I can't make direct findings of law. So, while I'll take into account all relevant regulations, industry standards and law into consideration I can't make a finding whether Ms F has been discriminated against or harassed as only a court of law can decide whether legislation has been breached. But I will consider all of that information to decide whether Ms F has been treated fairly by Thesis.

### *Loan write off*

I can see Ms F has said she's given Thesis enough information in law for them to write off her debt. She's not quoted a specific law, so I'm not entirely certain on what she means by

this. But, our role is to consider things on a fair and reasonable basis, taking into account what the law says.

As I've said, I'm not certain by what Ms F is referring to, so I've assessed things on a fair and reasonable basis.

At this moment in time, it seems Ms F does legitimately have a loan with Thesis which she'd be required to repay whenever she's not in a deferment period. Given that, I can't reasonably say they should just write off the debt.

I do understand a big part of Ms F's point here is that her doctor has provided a letter to explain her medical conditions. I've read this letter, but it doesn't satisfy the requirements of getting her loan written off with Thesis.

As Thesis explained to Ms F, in order to write off the debt she'd need to have medical evidence she's unlikely to ever return to work, and evidence of her disability benefits. Both Thesis and our Investigator provided her with a link which makes clear what the requirements for a loan to be written off are.

The letter from Ms F's doctor doesn't contain that information. I don't think Thesis are acting unfairly by not writing it off due to this letter.

I have noted Ms F's comments that these are unrealistic requirements, and this is discrimination and not taking into account the Equality Act 2010.

I have, sadly, seen examples of people who are so ill they would meet this criteria and have had their loans written off. I don't say this to diminish Ms F's conditions at all, but only to say in my experience these aren't entirely unrealistic expectations. So, overall, I don't think Thesis should be required to write off the debt based on the evidence they have been provided with so far.

### *Bullying and harassment*

Ms F has explicitly said she doesn't want Thesis to call her because of the effect it has on her mental health – and says they keep contacting her asking her to call them. Our Investigator established we could consider this element of Ms F's complaint back to November 2016, which I agree with – so I've done so.

I've looked carefully at all of the correspondence Ms F has received. I can't make a finding she's been harassed, as that'd be a legal finding. But I can say that, having looked at all of the correspondence, I don't think the level of contact has been unreasonable – and I've not seen any contact which I thought was for anything other than standard reasons. The majority of contacts are when Ms F has contacted Thesis regarding a complaint or a deferment of the loan itself. And the method of contact has been, for some time, email only.

In their emails to Ms F Thesis do include an email address for her to reply to. I can see Ms F has explicitly said she wants Thesis to write to her and tell her up front what they want to talk to her about in the email – rather than the general email she receives. Thesis don't do that and have said the reason is because this is their standard method of getting in touch with people. And they offer the option of their customers phoning or emailing on each occasion. I can see that it'd be beneficial for Thesis to amend their communications with Ms F so, when first contacting her regarding an issue they've not been in recent contact about, they explain what the reason for that is. But I think Thesis have acted fairly overall.

### *Summary*

Ms F says she feels Thesis have discriminated against her and ignored the Equality Act 2010 given the problems she's experienced. I do appreciate she's very frustrated and upset but having looked at all the evidence I don't think Thesis have done so. Nor do I think Thesis have acted unfairly or unreasonably. I hope it helps Ms F to know someone independent and impartial has looked into things. If she remains concerned, then as our Investigator has explained she can take the matter to court.

### **My final decision**

For the reasons I've explained above I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms F to accept or reject my decision before 7 December 2023.

Jon Pearce  
**Ombudsman**