

The complaint

Miss K complains about BW Legal Services Limited's actions when try to collect a debt.

What happened

Miss K took out a loan for £1,000 with a lender I'll call S in October 2021. The loan was ultimately closed in default by S. In October 2022 BW Legal was instructed by S to collect the outstanding balance on its behalf.

BW Legal says it sent Miss K letters to the address it was given by S as well as emails. BW Legal says it also called Miss K to try and discuss the status of her account. When no response was received, BW Legal completed a tracing exercise via a credit reference agency and found a different address for Miss K.

On 6 December 2022 BW Legal sent Miss K an email that said it would issue a Letter of Claim if no contact was received. On 13 January 2023 Miss K emailed BW Legal and it sent an automatic response that said someone would come back to her within seven to 14 days and to call if the issue was urgent.

On 16 January 2023 BW Legal issued a Letter of Claim, explaining it may take legal action to secure a CCJ in relation to the outstanding balance.

On 3 February 2023 Miss K discussed her account with BW Legal via its online chat facility. The chat logs show Miss K gave an up to date address which was recorded. Miss K explained she'd been unable to speak with BW Legal over the phone and her emails had not been responded to. Miss K explained she wanted to arrange a payment plan and asked for a call to be made at 2pm.

BW Legal didn't call Miss K back on 3 February 2023 as agreed. But it attempted to call Miss K back on 4 February 2023 and left a message for her. On 6 February 2023 Miss K was able to log into BW Legal's online portal and submit a payment plan proposal. BW Legal sent Miss K an email the same day to confirm the payment plan had been set with payments of £50 a month due. Miss K sent BW Legal a follow up email that explained the reason she'd been unable to access the online portal previously was due to her old address being held on file.

There were further attempts to call Miss K in the days that followed. When Miss K called to speak with BW Legal she was advised someone would ring her back. But Miss K's explained calls weren't received as promised.

Miss K complained and BW Legal issued a final response on 9 February 2023. BW Legal said the address it had sent letters to was obtained via the credit reference agencies but then updated during Miss K's online chat. BW Legal confirmed it had agreed a £50 monthly payment plan that meant no further legal action was planned. BW Legal apologised that call backs weren't made as promised but said it had tried to contact Miss K and left answerphone messages.

Miss K referred her complaint to this service and has explained that BW Legal's submissions don't reflect the amount of time or number of attempts she'd made when trying to call. An investigator looked at Miss K's complaint. They thought BW Legal had made reasonable attempts to contact Miss K to discuss her account. The investigator thought BW Legal had dealt with Miss K's complaint fairly and didn't ask it to do anything else. Miss K asked to appeal and reiterated that BW Legal's response didn't reflect the efforts she'd made to contact it and discuss her account. As Miss K asked to appeal, her complaint has been passed to me to make a decision.

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'm aware I've summarised the events surrounding this complaint in less detail than the parties involved. No discourtesy is intended by my approach which reflects the informal nature of this service. I want to assure all parties I've read and considered everything on file. I'm satisfied I don't need to comment on every point raised to fairly reach my decision. And if I don't comment on something, it's not because I haven't considered it. It's because I've focused on what I think are the key issues. My approach is in line with the rules we operate under.

When BW Legal received instructions from S to collect the outstanding balance from Miss K it was given an address, email address and phone number for her. BW Legal went on to call Miss K, send emails and write to her at the address on provided by S. But the address S had on file wasn't up to date. So when no response was received, BW Legal completed a trace via the credit reference agencies and found another address for Miss K. BW Legal went on to send letters to that address. But when Miss K spoke with BW Legal via its online chat facility she gave her current address. So from that point, letters have been sent to Miss K. I appreciate letters weren't sent to Miss K's current address. But BW Legal was acting in line with its instructions from S then based on the information provided when it completed a trace via the credit reference agencies. I'm satisfied that was a reasonable approach by BW Legal and that it updated Miss K's address when she confirmed the correct details.

Miss K's told us that she found it very hard to contact BW Legal. I can see Miss K sent several emails which weren't immediately responded to. BW Legal's provided a copy of its automated response that says emails can take up to 14 days to be dealt with. BW Legal's response said urgent enquiries should be made over the phone. Whilst I appreciate Miss K sent regular emails to BW Legal, I'm satisfied it responded in line with the timescales given in its automated responses to Miss K.

Miss K says she tried to call BW Legal on multiple occasions but was unable to speak with anyone. I don't doubt what Miss K has told us and that she found the situation to be very stressful. But once Miss K was able to update her address then access the online portal, she submitted a payment arrangement proposal which was quickly accepted. So whilst I appreciate there may have been difficulties speaking to BW Legal, I'm satisfied Miss K was ultimately able to reach an agreement regarding the outstanding balance.

BW Legal said it would call Miss K back on 3 February 2023 at 2pm but failed to do so. I can see BW Legal attempted to call Miss K on 4 February 2023 and left an answerphone message. A further attempt to speak with Miss K was made on 7 February 2023 and she called back the same day. During that call, the payment plan was confirmed. I agree that the call back wasn't made as promised. But I'm satisfied BW Legal's apology in its final response is a fair and reasonable way to resolve Miss K's case. I'm sorry to disappoint Miss K but I haven't found grounds to tell BW Legal to take any further action.

My final decision

My decision is that I don't uphold Miss K's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss K to accept or reject my decision before 14 November 2023.

Marco Manente
Ombudsman