

## **The complaint**

Mr W has complained that Drydens Limited initiated a court claim against him in error.

## **What happened**

This complaint surrounds a credit card account that Drydens were asked to manage on behalf of the debt's owner.

Drydens asked Mr W to complete an income and expenditure form and to make an offer of repayment. Mr W did so within the allotted time, and gave Drydens his correct account details for a direct debit.

Drydens didn't set up the direct debit properly. They initially blamed Mr W for this, saying he'd given them the wrong details. They wrote him an email about this, but sent it to an address that's different to the one Mr W provided.

Mr W then received a county court claim. He complained, but Drydens insisted he'd given them the wrong details. Mr W investigated on Dryden's behalf, made a number of phone calls, cross-checked the account details, and was able to show he'd given them the correct ones. Drydens apologised and discontinued the court claim, but declined to provide any further redress.

Our investigator looked into things independently and upheld the complaint. They proposed that Drydens pay Mr W £300 compensation. Drydens felt this was too much, so 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.

Drydens made a number of errors here, such as failing to set up the direct debit, placing the blame on Mr W, and failing to notify him about what had happened. I can see that their email was addressed to a different email provider to the one Mr W uses. That would explain why he says he never got it.

Drydens also didn't properly look into what happened at first, meaning Mr W had to make a number of phone calls and sort things out himself. And having listened to some of the calls involved, Drydens don't seem to have been very helpful.

I'm glad that Drydens ultimately apologised, discontinued the claim, and removed the proposed court fees. But in the meantime, they caused Mr W some significant stress, frustration, and worry, and he had to put in time and effort to get things back on track after Drydens' errors. That needs to be put right.

I understand Mr W asked for £2,000 compensation, on the basis of £100 per phone call and £100 per sleepless night. I do appreciate where he's coming from, though we don't award compensation in that method. It's also worth bearing in mind that we're here to resolve complaints, rather than to punish businesses or issue fines – which is more the regulator's territory. We have guidelines about what levels of compensation to award, based on a holistic look at the circumstances of the individual case, and I need to be consistent with those. Looking at what Drydens got wrong here, and the impact it had for Mr W, I agree with our investigator that £300 compensation would be fair to put things right. I understand that Drydens thinks this is too much, but it is very much in line with our approach, whereas the £150 they offered would instead be too little.

So I award £300 compensation here.

### **My final decision**

For the reasons I've explained, I uphold Mr W's complaint, and direct Drydens Limited to pay him £300 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 27 September 2022.

Adam Charles  
**Ombudsman**