

## **complaint**

Mr B's complained that Foundation for Credit Counselling (FCC) made a mistake when setting up his debt relief order (DRO).

## **background**

When Mr B was contacted by creditors asking him to pay a debt of £1,500 he realised it hadn't been included in his DRO. He complained to FCC as he'd wanted it included and said FCC had made a mistake in not including it in his application.

FCC said it didn't hold information from 2014 when Mr B initially asked for advice. It said it sent him a copy of the application to check before submitting it in January 2015. It said it also would have sent him a copy of the final submitted application.

FCC said the debt wasn't included and the DRO couldn't now be amended to include it. It added that if it had been included then the total debt would have been over the acceptable monetary limit for the application. This means it would have been declined and Mr B would have lost his £90 application fee.

Mr B remained unhappy and brought his complaint to us. Our investigator looked into things but didn't recommend Mr B's complaint be upheld as he didn't think FCC had made an error.

Mr B disagreed and asked for an ombudsman's decision.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I've decided not to uphold it.

Due to the time that's passed neither Mr B nor FCC have been able to provide anything other than verbal information about what happened at the time Mr B initially asked for advice or from his application. That means it's difficult to know exactly what happened so I've made my decision based on what I think's most likely. FCC has also provided a copy of the DRO issued by The Insolvency Service from January 2015.

Mr B said the £1,500 debt was one of his largest so he definitely wanted it included. I've seen the DRO and this debt isn't listed. I can also see that it was one of Mr B's largest debts at the time he made the application so I can understand why he would have wanted it to be included in order to be written-off. However I don't have enough to persuade me that it was FCC that made the mistake in missing the debt from the application or that Mr B would have done anything differently.

FCC has provided detailed information about its processes at the time of the application. It said it sent Mr B a copy of the application to check before it was submitted and also a copy of the final submitted application. It also said Mr B phoned it before the application was submitted and its usual process was to read through the list of creditors to make sure everything was included and to check the balances were correct. It said it also would have asked Mr B to confirm the application was correct and he'd understood everything before submitting it. It said the verbal agreement on the phone would have constituted his

signature. I haven't heard anything from Mr B to persuade me this didn't happen and I've no reason to think FCC didn't carry out its usual process.

When taking all this into consideration I think it's most likely Mr B had the opportunity to see at that time which debts were included and let FCC know if any were missing. As he didn't do this I think it's most likely it wasn't FCC's fault that the debt wasn't included.

FCC also said at the time of Mr B's application the maximum amount of debt allowed to proceed with a DRO was £15,000. It said if Mr B had declared the additional £1,500 debt his application would have been rejected and he would have lost his £90 application fee. FCC would have known the limit for the DRO. So I think it's unlikely it would have made the application if it had known about the additional £1,500 that would have taken him over it.

I appreciate this isn't the outcome Mr B was hoping for, but in this particular case I haven't seen enough to persuade me it was FCC's fault the debt was missed from the DRO. So I'm not going to ask it to do anything further.

### **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 B to accept or reject my decision before 30 April 2019.

Sarann Taylor  
**ombudsman**