

complaint

Mr A feels that Bank of Scotland Plc ("BOS") has treated him unfairly in relation to how it has treated him with regard to the debts he has with it.

background

Mr A said that BOS didn't respond to his proposal for a solution regarding his various debts in a reasonable period of time. He also says that it hasn't offered a reasonable alternative to his proposal and it hasn't answered his questions about his debts.

Mr A complained to BOS and it offered him £225 in acknowledgement of the inconvenience caused. Mr A complained here and the adjudicator did not uphold the complaint. Mr A does not agree so this complaint has been passed to me.

my findings

I have considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

A number of years ago Mr A and his wife borrowed significant sums of money from BOS. The debt Mr A owes is in a variety of formats. This debt has been an ongoing issue for Mr A for a number of years and he is clearly concerned with whether his house will be taken from him in future and how the beneficiaries of his estate will be affected by the debt when he and his wife pass away.

I appreciate this is a very emotive subject for Mr A and he wants to gain certainty on particular aspects of this issue. I empathise with him about this and I can see these are complex matters. It's also clear that there is trustee involved in the debt who has been liaising with both BOS and Mr A.

This significant debt Mr A has (along with his wife) has been the central issue in a complaint already dealt with by this service some years ago. The trustee accepts the debt amount is accurate. As it has already been considered in an earlier complaint by this service I cannot review the issues decided in that case. It is clear to me that Mr A has been told this on different occasions by this service and at times he has acknowledged this. However I appreciate this stance will frustrate Mr A nonetheless.

BOS acknowledged that it should have responded to Mr A's proposition for his debt promptly and that it hadn't. It offered him a total of £225 in response to this. It also set out in its letter of 21st January 2015 the different elements of the debt as he'd asked. In March 2015 it wrote to him again saying that Mr A's proposal regarding the debt was "*not accepted by all areas of the bank*". I have considered these events and I think this is a reasonable and fair amount in the circumstances. So I'm not going to ask BOS to do anything else on this issue.

Mr A has tried to get the debt restructured or altered in some way. He also wants BOS to accept his proposal or put forward an alternative proposal in relation to the debt. The bank has said in its letters that it isn't going to enforce collection of the debt on Mr A at this time. The commercial decisions of firms are for them to make. This service will not involve itself in such decisions as it is important that firms have discretion in these matters. As such I will not ask BOS to alter its current position. This stance of this service has been explained to Mr A before also.

Mr A seeks further assurances from BOS and “*certainty*” about the future. However these would be commercial decisions for BOS to make and as such I cannot make BOS give such assurances for the reasons I’ve already given. Clearly if BOS do change tack on this issue then that would be something for Mr A to deal with BOS at that time.

I can see Mr A in his letter dated 19th December 2015 again seeks to challenge the amount owed. Bearing in mind my earlier comments, investigations of this service and comments by the trustee on this issue I see no need to comment further on this.

Lastly it appears that some of the issues Mr A refers involve the trustees in this matter. Any issues Mr A has with the trustee should be dealt with by Mr A contacting the trustee-and I can see he has done this recently. I can see that in his most recent letter to this service Mr A complains about not receiving documentation from BOS. However almost two weeks earlier his trustee wrote to him to say it wouldn’t “*not automatically send you a copy of any creditor letters we receive*”. This complaint can only look at what BOS has or hasn’t done.

Mr A’s last complaint point that BOS didn’t deal with his complaint properly. As I’ve said I think it has recognised this and made a fair and reasonable offer to him in acceptance of that. So I don’t think I need to make it take any further action.

Having considered the failings that happened and how BOS responded (including the offer in recognition of this) I don’t think Mr A has been unfairly treated overall. So I see no persuasive reason to uphold this complaint. I appreciate this will be a disappointment to Mr A.

My final decision

For the reasons I have explained, my final decision is that I do not uphold this complaint against Bank of Scotland Plc.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr A to let me know whether he accepts or rejects my decision before 25 February 2016.

Rod Glyn-Thomas
ombudsman