

complaint

Mr S is unhappy with how Harrington Brooks (Accountants) Limited handled his debt management plan ("DMP").

background

The background to Mr S's complaint was set out in the provisional decision. In it, the ombudsman explained why he thought Harrington Brooks could've done more to let Mr S know that his creditor - "Creditor A" - had rejected the payment from it. He said he agreed this caused Mr S distress and inconvenience and thought £350 was a fair award for this.

But he also said he'd no proper basis to ask Harrington Brooks to pay off the debt with Creditor A. He thought Mr S had to take some responsibility too because Harrington Brooks had written to him. It had told him what had happened with Creditor A. And if Mr S had arranged to have his mail sent onto him it's likely he would've got the letter.

Further he thought Harrington Brooks' mistake hadn't caused the balance of the account with Creditor A - "Account A" - to increase. He said this because Creditor A confirmed it hadn't added any additional charges to the account as a result of Harrington Brooks' error.

He explained that he realised that Mr S thought the debt could and should've been paid off by now. And this was Harrington Brooks' fault. But he didn't agree with this because the information we had didn't show that Harrington Brooks had kept back money meant for Account A. Neither did he accept that it was the actions of Harrington Brooks that led Account A to default as this most likely would've happened anyway.

He also said Mr S was always responsible for the debt and so it wasn't fair and reasonable to ask Harrington Brooks to pay it off for him now.

We've received no response to the provisional decision from Harrington Brooks.

But Mr S responded at length. In summary, he said if he'd been emailed by Harrington Brooks he would've known what had happened with Account A. And Harrington Brooks had never really explained why it chose not to email him although he'd pressed them repeatedly on this point.

Mr S said he'd not arranged to have his letters forwarded to him because it was Harrington Brooks who told him to send all his DMP related letters to it. So it was solely responsible for what had happened. And in any case it should've known he didn't get its letter. He explained to this day he doesn't know what the problem was with Account A. He said this because neither Harrington Brooks nor Creditor A has explained this to him.

Mr S concluded by saying *"due to [its] lack of follow-up and clearly [flawed] processes, I have been left with a debt to pay caused completely by [it].....Harrington Brooks are liable for the debt, the only reason I still have it is because of their failures"*.

my findings

I thank Mr S for his response to the provisional decision. 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 think the conclusions reached in the provisional decision were

fair and reasonable and I'm not going to depart from them. I explain below why I've come to this decision.

I agree it would've been more appropriate for Harrington Brooks to have emailed rather than to write a letter. But it doesn't follow that I think because of this Harrington Brooks should fairly pay off Mr S's debt. I say this because Mr S has the debt with Creditor A and he was the only person who was ever liable for it. Harrington Brooks's failures didn't cause the debt and it shouldn't therefore fairly take responsibility for it. In other words Mr S would've always have had to pay the money whether Harrington Brooks made this mistake or not.

I realise Mr S says he trusted Harrington Brooks to pay all of his creditors as it agreed that it would. And it did let him down in so far as it could've done more to let him know what was happening with Account A. But that's a separate issue to who should now have to pay the debt.

Further, I realise Mr S says Harrington Brooks told him to send it all the letters he received from his creditors. But that's not what happened here. Mr S forwarded on a letter from Harrington Brooks itself not his creditors. Mr S chose to do this but I don't think Harrington Brooks was responsible for this or for the fact that he didn't read the letter.

I realise that Mr S feels strongly that the only reason he still owes any money to Creditor A is because of Harrington Brooks. But I disagree, for the reasons I've set out above and those set out in the provisional decision.

I've not been persuaded by Mr S's response to the provisional decision. It follows that I've reached the same conclusions for the same reasons as in the provisional decision.

my final decision

My final decision is that Harrington Brooks (Accountants) Limited should pay Mr S £350 for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 8 April 2016.

Joyce Gordon
ombudsman