

complaint

Mr H complains that NEO Media Solutions Limited (trading as One Debt Solution) failed to administer her debt management plan appropriately.

our initial conclusions

Our adjudicator upheld the complaint. He concluded that One Debt Solution failed to meet the requirements of the Office of Fair Trading (OFT)'s debt management guidance and recommended that it refund all money not distributed to Mr H's creditors. He also recommended that it refund the £320 court costs Mr H incurred and pay him £200 for the distress and inconvenience caused.

my final decision

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so, I uphold this complaint.

Mr H entered a debt management plan with One Debt Solution in April 2011. He paid One Debt Solution £1,550 between then and December 2011 but says that One Debt Solution did not distribute these payments to his creditors. One Debt Solution has confirmed that it distributed only £1 to those creditors. Mr H also incurred £320 in court costs when one of his creditors took court action against him for non-payment of his debt between April and November 2011.

I also consider the information One Debt Solution gave Mr H about his plan to be confusing and potentially misleading. For example, it does not clearly set out its fees, suggests that interest will be frozen on his debts and does not warn of the consequences of stopping payments to creditors. I find that One Debt Solution failed to fulfil its duties under the OFT's debt management guidance and see no reason why it should retain any of the fees paid by Mr H. It should refund all money not distributed to Mr H's creditors as well as the court costs he incurred. I also find that Mr H has suffered distress and inconvenience by One Debt Solution's failure to administer his plan correctly and by failing to respond appropriately to his complaint. Having considered the general levels of awards this Service makes in this area, I assess a fair award at £200.

My final decision is that I uphold this decision, as set out in full overleaf.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr H to accept or reject my decision before 21 January 2014.

Simon Begley
ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

My final decision is that I uphold this complaint and order NEO Media Solutions Limited (trading as One Debt Solution) to:

- refund all payments not distributed to Mr H's creditors, totalling £1,549, plus interest calculated at 8% simple per year from the date each payment was made to the date of settlement;
- refund £320 to Mr H for the court costs he incurred; and
- pay Mr H £200 to reflect the distress and inconvenience this matter has caused him.

If NEO Media Solutions considers that tax should be deducted from the interest element of my award, it should provide Mr H with the appropriate tax deduction certificate so that he is able to claim a refund if appropriate.

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.