

complaint

Mr O has complained Clear View Finance Limited didn't make all the monthly payments to his creditors.

background

Mr O took out a debt management plan with Clear View in 2012. He mostly paid them £325 a month and was charged £25 monthly fees. Clear View visited him at home in early 2013 to discuss another type of plan but didn't provide him with any terms and conditions. He found in 2014 Clear View wasn't paying his money to his creditors and he'd been put on a debt reduction plan without his agreement. As he wasn't able to get a response from Clear View, he brought his complaint to the ombudsman service.

Our adjudicator asked Clear View to refund Mr O the money they'd never passed on to his creditors, along with 8% simple interest. They had to repay him £5,158.

Clear View didn't respond to our adjudicator's view so this case has been passed to an ombudsman.

my findings

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

There is no evidence Clear View got Mr O's agreement to put him on a debt reduction plan. This plan would have allowed them to charge increased fees but I don't believe they had his consent to do this. I agree with Mr O it makes no sense he agreed to pay Clear View £325 a month and only let £1 be paid on each of his three debts.

I've not seen enough evidence to show Clear View provided Mr O any service after they put him onto a new plan. I agree all his monthly payments should be refunded minus the money Clear View did pay out on his behalf.

I've reviewed the account statement Clear View gave Mr O. I can see why he was immediately concerned about what Clear View was doing and not paying off his debts.

Mr O knows Clear View isn't responding to our correspondence although I'm sure they know what we asked them to do to put things right. I only hope they take notice of a final decision instructing them to take action. They have kept a very large amount of Mr O's money when he'd been doing the best he could to repay his debts. I'm pleased he managed to negotiate a deal with one of his creditors – for two of his debts – which mean he's since settled those.

my final decision

For the reasons I've set out, my final decision is to instruct Clear View Finance Limited to:

- Pay back £5,158 to Mr O which he'd given them to hand out to his creditors (£5,200 - £42 passed to his creditors); and
- Add 8% simple interest from the date Mr O paid these to Clear View until the date of settlement.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 19 October 2015.

Sandra Quinn
ombudsman