

## **complaint**

Mr M complains about the advice that he was given by Torridge, North, Mid and West Devon Citizens Advice Bureau in connection with a debt relief order. He's being helped with his complaint by a representative.

## **background**

Mr M was advised by the Citizens Advice Bureau about a debt relief order in 2012. He contacted his representative in 2016 about the debt relief order and a complaint was made to the Citizens Advice Bureau. Mr M wasn't satisfied with its response so complained to this service. His representative says that opportunities to gather information about Mr M's other debts (including his debt to a water company), and to provide much needed support, were missed in 2012. And the representative says that, as a result, the water company obtained a County Court Judgment against Mr M for unpaid water charges which could've been avoided.

The investigator recommended that this complaint should be upheld in part. She said that the Citizens Advice Bureau could've noted Mr M's outstanding debt to a third party and included it in his debt relief order had it carried out additional checks with other credit reference agencies. But she couldn't safely say that the Citizens Advice Bureau would've known about the demands by the water company unless Mr M made it aware of that debt (even if it'd done additional checks with the credit reference agencies). So she recommended that the Citizens Advice Bureau should pay Mr M £625 towards his debt with the third party which should've been included in his debt relief order and £100 for the trouble and upset caused. In respect of the County Court Judgment relating to the water company debt, as it had been ordered by a court, she said that this service can't make a determination on it.

The Citizens Advice Bureau has accepted the investigator's recommendations. But Mr M's representative – on his behalf - has asked for this complaint to be considered by an ombudsman. The representative says, in summary, that:

- the investigator's findings don't go far enough in addressing the issue of the water debt and how the case was handled overall by the Citizens Advice Bureau;
- in acknowledging Mr M's disability it wouldn't be reasonable to expect him to be able to process all the written information that was sent to him by the Citizens Advice Bureau;
- the fact that Mr M didn't provide the information about the proceedings from the water company only highlights his inability to deal with financial matters;
- more could've been done by the Citizens Advice Bureau such as contacting the utility companies to check Mr M's outstanding balances - particularly as he took in his energy bill to be included in the debt relief order; and
- Mr M's learning disability should've triggered further enquiries from Citizens Advice Bureau and, had a more thorough and professional service been provided at the time, Mr M wouldn't have received a County Court Judgment and would've been clearer on how to find support to manage his finances in the future.

## **my findings**

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

The Citizens Advice Bureau was aware of Mr M's disability – but its records show that it considered that his disability didn't cause him any problems in accessing a debt relief order. It accepts that it could've checked Mr M's credit reports – and that, had it done so, the debt to the third party would've been noticed and could've been included in his debt relief order. So I agree with the investigator that it would be fair and reasonable for the Citizens Advice Bureau to pay Mr M £625 towards that debt. And this will have caused some avoidable trouble and upset for Mr M – so I agree with the investigator that it should also pay him £100 compensation for that trouble and upset.

But his credit reports wouldn't have shown the debt to the water company. And Mr M didn't provide information about that debt despite him receiving correspondence from the water company about that debt at the time that he was receiving advice from the Citizens Advice Bureau. I'm not persuaded that the Citizens Advice Bureau was required to make the further checks that his representative has suggested. The water company has obtained a County Court Judgment against Mr M for that debt – and this service can't interfere with that judgment. And I'm not persuaded that it would be fair or reasonable for me to require the Citizens Advice Bureau to pay any compensation to Mr M for not including the water debt in the debt relief order.

### **my final decision**

For these reasons, my decision is that I uphold Mr M's complaint in part. In full and final settlement of it, I order Torridge, North, Mid and West Devon Citizens Advice Bureau to:

1. Pay £625 to Mr M towards his debt to the third party.
2. Pay £100 to Mr M to compensate him for the trouble and upset that he's been caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 5 June 2017.

Jarrold Hastings  
**ombudsman**