

complaint

Mr E complains, in summary, about the customer service provided by MoneyPlus Group Limited, ("MGL"), in relation to a debt management plan, ("DMP"), he had with it. He is also unhappy that MGL passed his details to a third party without his consent.

background

Mr E had a DMP with MGL. In June 2016, he had an annual review call for his DMP, but he found MGL's adviser, ("A") to be aggressive. He felt pressurised by the level of her questioning. Mr E is also unhappy that his details were apparently passed by MGL to another company, ("C"), without his permission. MGL didn't agree with Mr E, but it apologised to him.

The investigator didn't recommend that the complaint should be upheld. He had listened to the review call and noted that A had asked Mr E a series of questions, including his personal details and his income and expenditure. Although the majority of the conversation was quite amicable, he sensed that Mr E felt a little pressurised when A had asked him about the breakdown of his expenses. Whilst he could understand why Mr E felt that way, he noted that A had explained to Mr E that she needed full details as part of the review. The information was needed so that Mr E's creditors could be shown where his money was being spent. But, the investigator didn't think that A had intended to pressurise Mr E. She simply appeared to have been collecting the factual information to complete the review of his plan. With regard to the provision of information to C, the investigator said that MGL had explained that it would normally refer consumers to C on receipt of their signed authority if it felt that they could benefit from C's PPI claims services. As Mr E hadn't returned his consent, MGL said that no information was passed to C.

Mr E disagreed and responded to say that previous annual reviews had taken around 20 minutes. So, it was understandable that he felt a bit pressurised when A had carried on the call for so long. Mr E said that he felt that A wasn't helping him. She fluctuated from being ok and then expressed unnecessary aggression and insisted on carrying on the call when the review was complete. A had left him feeling uncomfortable about taking further calls from MGL. He expected its advisers to be polite and to get to the point especially as his DMP was up to date. With regard to the provision of information to C, Mr E said that MGL had never asked him for his signed authority to pass his details to C. And he could see that MGL had passed his details to C without his consent as C had written to him via post and text.

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 review call in June 2016

I note that MGL's terms and conditions say that in order to complete a full review of a consumer's circumstances, a consumer must cooperate with it when contacted in order to allow it to complete a review of the consumer's situation. I also note that MGL has explained that it was important for its advisers to obtain a detailed and accurate picture of a consumer's financial circumstances so it can provide the consumer with the best debt advice. And I can see from MGL's contact notes that it explained to Mr E that due to the Financial Conduct Authority's guidance, it needed to probe in a lot more detail.

I have listened to the 95 minute review call. I note that A apologised at the beginning of the call for calling 20 minutes late. She said that the review had developed over the years and could take half an hour to an hour. I note that the review call took somewhat longer. But, I can see that MGL was obliged to obtain accurate information about Mr E's expenditure to pass to his creditors to justify his disposable monthly income and his monthly payment of £80 towards his DMP. I can see that A asked for detailed information from Mr E about his expenditure, but it took six attempts before sufficient information was obtained from Mr E to show a disposable income of £80. So, I can understand why the call took so long. I also note that on at least three occasions during this part of the call, that A suggested ending the call to give Mr E time to look over his bank statements to check his expenditure and to think about his expenditure generally. I think this was reasonable. A suggested calling Mr E back on each of those occasions to continue the call. I note that A was happy to suggest a call back time in the evening after Mr E returned from work, but Mr E seemed reluctant to arrange a time for this.

I understand that Mr E felt pressured and I can see that it would have been difficult for him to recall every item of his expenditure. But, I don't think that A acted unreasonably in trying to coax the information from Mr E. I can see that A needed to be able to show Mr E's disposable monthly income of £80, but she was unable to do so from the information supplied by Mr E during the first five reviews of his expenditure. So, she had to keep trying to obtain the relevant information from Mr E. I don't think she did this in an aggressive way and I thought that she was polite and patient and tried to explain to Mr E that she needed to show Mr E's creditors what he could afford. Whilst Mr E felt that he'd provided enough information at times during the call, unfortunately it wasn't enough to justify a disposable income of £80.

I also note that Mr E was unhappy that the call continued after his income and expenditure details had been agreed. I can see that A spent the rest of the call, about another 20 minutes, in giving Mr E information about his other debt management options. I understand that MGL was required to do this. So, I don't think that MGL acted inappropriately here. And I think that Mr E could have reasonably asked MGL to discuss this with him at another time, but I can't see that he did so.

So, overall, I'm not persuaded that I have grounds to uphold this aspect of Mr E's complaint.

passing of details to C

I note that MGL said that C specialises in pursuing PPI claims on behalf of a consumer, and that any compensation obtained through a successful claim can then be used by consumers to reduce, or even clear, the debts included on the DMP. It said that if it believes that a consumer could benefit from C's service, it will send a letter to the consumer explaining who C is. The letter it sends includes C's terms and conditions, fee structure and a letter of authority to sign and return, should the consumer wish to utilise C's services. MGL believed that confusion may have arisen in this case, as the inclusions with its letter introducing C to Mr E were on C's headed note paper.

I asked the investigator to ask Mr E about the texts sent to him by C and if he had received MGL's letter about C. Mr E said that he'd received two texts from C, but he no longer had C's letter.

As Mr E had received two texts from C, I asked the investigator to ask MGL again whether it had passed Mr E's phone number to C. MGL then said it had made a mistake in giving Mr E's phone number to C.

So, I noted that MGL had incorrectly supplied Mr E's contact details to a third party without his consent, and that this had clearly upset Mr E. And I thought that because of the trouble and upset caused to Mr E by MGL's error, that MGL should pay £200 compensation to Mr E. MGL agreed to this.

my final decision

My decision is that I uphold this complaint in part. In full and final settlement of this complaint, I order MoneyPlus Group Limited to pay Mr E £200.

MGL must pay the compensation within 28 days of the date on which we tell it Mr E accepts my final decision. If it pays later than this it must also pay interest on the compensation from the date of my final decision to the date of payment at 8% a year simple.

If MGL considers that it's required by HM Revenue & Customs to withhold income tax from that interest, it should tell Mr E how much it's taken off. It should also give Mr E a tax deduction certificate if he asks for one, so he can reclaim the tax from HM Revenue & Customs if appropriate.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E to accept or reject my decision before 29 August 2017.

Roslyn Rawson
ombudsman