

## **complaint**

Miss K has complained Debt Information Services Limited ('DIS') mis-sold her a debt management plan.

She's represented by D, a claims management company.

## **background**

DIS arranged a debt management plan for Miss K. She said an individual voluntary arrangement (IVA) would've been more suitable for her but DIS didn't advise her of this option. She asked DIS to put her in the position she would've been in had she entered an IVA.

DIS rejected her complaint. It said it gave her advice about an IVA but she didn't want one.

Miss K wasn't happy with this response and so she brought her complaint to this service.

Our adjudicator didn't uphold Miss K's complaint because the evidence showed DIS had discussed the IVA option with her and she'd rejected it.

Miss K disagreed with our adjudicator. She said she relied on a misrepresentation by DIS about the IVA option.

She's asked for an ombudsman's final decision.

## **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 notes of DIS's phone calls with Miss K confirm it discussed the IVA option with her. She told it she thought she was already in an IVA when she went to it from another company. She said she wanted to explore other options because she didn't want to be in a debt management plan for a long period.

The notes record DIS sent her information about the IVA option. She said she didn't receive it. But after speaking to her sister, who had given her a gift of money, she instructed DIS to settle some of her smaller debts and continue with the debt management plan. She said she wanted to see how things would develop.

I think it's clear from this information that DIS discussed the IVA option with her but she rejected it.

D now says DIS gave her misleading advice about the IVA because it told her she could 'still look at doing an IVA with the remaining debts once she has cleared some of the smaller ones'.

D said this was bad advice. It said DIS should've told her that preferential treatment for a creditor could jeopardise an IVA. It's suggested she relied on this advice when she decided to proceed with the debt management plan.

Unfortunately, the notes are not a verbatim account of the phone conversations: only a summary. And so I'm afraid I don't think there's enough evidence showing Miss K relied on this statement when making her decision. In fact, I think uppermost in her mind was the monetary gift from her sister, which she wanted to use to clear some of her debts. The notes and letters show she gave specific instructions on how she wanted to apply that money. I think DIS was simply responding to her instruction to settle some of her debts by not ruling out an IVA in the future.

I've seen the expert report, which D has provided. I've not attached much weight to it because it was Miss K's decision continue with the debt management plan.

I'm aware Miss K's raised other complaints about DIS's service. I agree with our adjudicator's rejection of those complaints and for the same reasons.

Given these circumstances, I'm afraid I won't be upholding Miss K's complaint.

I'm sorry to send Miss K disappointing news but I hope I've explained clearly the reasons for my decision.

### **my final decision**

My final decision is I won't be asking Debt Information Services Limited to do anything.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss K to accept or reject my decision before 8 December 2016.

Razia Karim  
**ombudsman**