

complaint

Mr O complains that Welcome Financial Services Limited made a mistake when it arranged for a county court judgment (CCJ) to be issued against him.

background

Mr O says that Welcome Finance arranged for a CCJ to be issued against him. But his son owed the debt, not him.

Our adjudicator sympathised with Mr O about what happened. But he didn't think his complaint should be upheld. He could see that the CCJ was issued and information about it registered on Mr O's credit file. But he was satisfied that the court, not Welcome Finance was responsible for the mistake. He said that the information Welcome Finance brought to court was accurate and in line with what a creditor seeking a CCJ would usually bring.

Our adjudicator said that Welcome Finance asked the court to change its records (and instruct the relevant credit reference agencies in line with those changes) after the mistake was brought to its attention. And he could see that despite not being responsible for the mistake, Welcome Finance paid Mr O £250 compensation to reflect the impact of the matter on him. He thought that was fair and reasonable. But Mr O doesn't think that's enough. He says he has lost earnings, suffered reputational damage and incurred other costs as a result of what happened. And he should be compensated for that too.

So I've been asked to review this complaint.

my findings

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

I don't underestimate Mr O's strength of feeling about what happened. His credit file was affected when the CCJ was mistakenly issued against him, instead of his son. And I appreciate what he has told us about the negative impact that had on him. But I can't see that Welcome Finance made a mistake when it asked the court to issue the CCJ. It has told us that the courts only require it to supply a person's name and address to register a CCJ - that it isn't essential for it to provide a date of birth in the first instance. So it didn't give the court the relevant date of birth until it was told about the mistake.

I appreciate how frustrating this matter has been for Mr O. But the process surrounding the registration of a CCJ is set out by the courts. So I can't fairly say that Welcome Finance make a mistake when it acted in line with that process.

Mr O has provided us with evidence to show that he got a new job while the CCJ was on his credit file. And his start date was delayed by around a month because he had to wait for it to be removed. He thinks Welcome Finance should reimburse him for a month's lost wages. I can see where Mr O is coming from. But I don't think that would be fair. That's because Welcome Finance says it was first told about the mix up in April 2014. And it has provided evidence that says it told the credit reference agencies on 8 April 2014. So I think it acted promptly to put matters right once it became aware of the mix up. Mr O has told us that he told Welcome Finance about what happened before this. But he hasn't been able to say when that was exactly.

It follows that I don't think Welcome Finance needs to do anything more to resolve this complaint.

my final decision

My final decision is that that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 13 June 2016.

Laura Forster
ombudsman