

## **complaint**

Mrs W complains about Idem Capital Securities Limited ("Idem") which has taken over a debt she owed. She says she wasn't told about this until recently and has found out she now has a county court judgment ("CCJ") against her.

## **background**

In 2006, Mrs W took out a loan which was supposed to last for five years. She paid as and when she needed to until 2008 when she began to miss some repayments. Effectively Mrs W made no repayments in 2010 as the two cheques she paid were returned. So in July 2011, the lender took Mrs W to court and was awarded a CCJ. Shortly after this, in September 2011, the court ordered that the CCJ wasn't to be enforced while Mrs W kept paying £123 per month.

In December 2011, Idem bought the debt off the lender. Mrs W kept making repayments through a debt management company until early 2014. Payments then became more irregular and Idem are now chasing Mrs W for repayment. As of August 2015, Idem say Mrs W still owes around £14,000.

Mrs W says she had no idea the debt had been sold to Idem until sometime in 2015. She also says she had been paying £550 a month to her debt management company which it should have been passing on to the lender / Idem. Although we initially looked at whether or not Idem had been aggressive towards Mrs W, she's told us that's not something she wants us to look at further.

## **my findings**

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

### ***when did Idem tell Mrs W it had bought the debt? and what effect does this have?***

Idem says it told Mrs W it had bought the debt in December 2011. It has provided a copy of a letter it says it sent to Mrs W along with a similar letter that was sent by the lender. Mrs W says she didn't receive either of these.

I have to tell Mrs W that I think the debt management company acting for her knew Idem was involved quite a while before 2013. That's because I've seen Idem's account notes which show it was dealing directly with the debt management company.

But even if Idem didn't tell Mrs W this, I don't think she's lost out because of it. Mrs W says that Idem has managed to get a CCJ because it didn't tell her it had bought the debt. But the court documents show the lender obtained the CCJ before it sold the debt. And one of the court orders says that Mrs W was present at the time. So I don't think I can fairly hold Idem responsible for the CCJ.

### ***Mrs W's repayments***

As I note above, Mrs W also says she was making payments of £550 a month to her debt management company. And it was passing these payments on to Idem. I don't doubt that Mrs W was paying that amount to the debt management company. But I do think it's unlikely

it was passing this all onto Idem. I say that, firstly, because debt management companies normally take a fee before passing the remainder on to any creditors. And secondly, because the court ordered that the CCJ couldn't be enforced so long as Mrs W paid £123 per month. This is the amount Idem's records say Mrs W started paying in around July 2011. So it appears likely to me that the debt management company agreed with the lender to repay this amount.

So overall I'm afraid I don't think there's any evidence that Idem's summary of the payments it's received is wrong. If Mrs W's debt management company didn't forward payments onto Idem then that's not something I can fairly hold Idem responsible for.

### **my final decision**

For the above reasons I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs W to accept or reject my decision before 21 December 2015.

Ross Crawley  
**ombudsman**