

complaint

Mr and Mrs F complain that National Westminster Bank Plc is pursuing Mr F for debt which is the subject of a County Court Judgement (CCJ).

our initial conclusions

The adjudicator did not recommend that this complaint be upheld. He concluded the CCJ was against Mrs F and the bank was entitled to pursue Mr F for his part of the joint debt. Mr and Mrs F did not agree.

my final decision

To decide what is fair and reasonable in this complaint, I have considered everything that Mr and Mrs F and National Westminster Bank Plc have provided.

Mrs F was the subject of a CCJ in 2009 for all debts owed to the bank, including a joint account with Mr F. He was not named on the CCJ and the bank is now pursuing him, via a debt collection agency, for his debts, which includes the joint account debt. I can appreciate Mr and Mrs F's frustration as they thought their regular payments under the CCJ were reducing their joint debts and no further action would be taken. However, the bank is entitled to pursue Mr F separately as he is jointly and severally liable for the joint debt.

I cannot conclude that the bank has done anything wrong, but I appreciate that Mr and Mrs F have a limited income and it is unlikely that they will be able to increase their payments. I would remind the bank and the debt collection agency of their obligations to deal with Mr and Mrs F positively and sympathetically in helping them resolve their financial difficulties. If Mr and Mrs F do not consider the bank to have met its obligations in the future they may be entitled to bring a fresh complaint.

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr and Mrs F either to accept or reject my decision before 11 March 2015.

Ivor Graham

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.