

## **complaint**

Mrs R says Shoosmiths LLP hasn't provided her with the information she needed about her debts in a reliable, comprehensive or timely manner.

## **background**

Mrs R finds herself in a difficult financial position. Shoosmiths is acting for three clients who are trying to recover debts from her. Court action has been taken with various consequences for Mrs R, including deductions from her wages and restrictions related to a property she has an interest in.

Mrs R is unhappy because she says the debts weren't hers. And she told us the orders relating to her earnings and property were put in place without notice. As Mrs R knows, because these matters were the subject of court proceedings this Service can't deal with them. Of course, she's free to take further legal action in relation to these issues.

Mrs R had other concerns which we can look into. She says Shoosmiths took too long to respond to her request for information about her debts and that what she received was incomplete and unreliable. Shoosmiths didn't think it had done anything wrong.

The investigator didn't uphold this case. Mrs R disagreed and so her complaint came to me to consider. I issued my provisional decision in December 2018. As I've not received any further information or arguments from either party I see no reason to depart from my initial conclusions.

## **my findings**

I've reconsidered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this case. I'm not upholding Mrs R's complaint. I'll explain why.

I recognise Mrs R's frustration in trying to get to the bottom of her financial affairs. At the time she was exploring the sale of her share of a property and wanted to understand how orders made by the courts would affect things.

Mrs R's solicitor sought to clarify information about her debt position with Shoosmiths in May 2017. At that time Shoosmiths was acting on behalf of two clients who were pursuing her for debts. This appears to have been the case since 2014.

I can see there were exchanges between Mrs R's solicitor and Shoosmiths in June 2017 about the status of the court restrictions related to the property she had an interest in. As a result of this to and fro, it materialised there was another company pursuing Mrs R for a debt. And that the courts had made orders in relation to this as well.

The company which 'owned' this third debt contracted Shoosmiths to act on its behalf in early August 2017. So it was only from this point it became responsible for pursuing three of Mrs R's debts on behalf of three separate clients.

Shoosmiths sent Mrs R's solicitor a schedule of the three debts later in August 2017. This detailed the original lenders, the products, the date of the finance agreements and the current outstanding balance on each including expenses. It also noted outstanding sums would need to be paid in order for it to agree court restrictions on her property could be lifted.

As these matters were unfolding Mrs R raised a complaint with Shoosmiths because of the delay in getting the information she needed. For example, I can see it took several weeks for the schedule of debts and advice about the court restrictions to be provided. But there were various factors which I think necessarily meant things were going to take time to sort out.

Mrs R's debts stem from agreements set up several years ago with different lenders. These lenders ultimately sold on her accounts to different debt management organisations. The exchanges with Mrs R's solicitor brought to light that another company was pursuing another debt against her. And Shoosmiths ended up acting for this client as well.

So, while I recognise Mrs R's frustration about how long it took to get the information she needed, given the number of parties involved and the dynamic circumstances, it's not surprising it wasn't a simple process. As Mrs R told us, even her own solicitor struggled to get to the bottom of things. I've not seen anything which makes me think Shoosmiths were being unresponsive.

Mrs R has told us she thinks there are gaps and inaccuracies with the information Shoosmiths provided. I can't see these concerns were raised at the time her solicitors were given the schedule of debts. Our investigator thought the problem may've been because she was still making some payments and so the balances would've been changing. Mrs R doesn't think this explained things as the information differed from letters she still received from her former lenders.

I've spoken to Shoosmiths and it says it's now provided Mrs R with copies of two of the three finance agreements she entered into and it's working with its client to get hold of the third. It also said whenever it communicates with her about any of her three outstanding debts it provides her with a current balance figure.

Shoosmiths confirmed Mrs R can call or email to request the balance, a breakdown of the balance or a statement of account at any time. These should provide her with a clear audit trail of her position from when the court orders were made to the present date taking into account payments she's made and any fees.

I think the next step here is for Mrs R to seek this detailed breakdown of her balance and a statement of account showing information from the point at which the court orders were put in place. If after reviewing this information she thinks there are errors, in the first instance she should set out her concerns and reasoning for Shoosmiths.

For clarity, the courts have already determined what the original debts outstanding are. If Mrs R wants to challenge the veracity of these figures she will need to pursue legal action.

Mrs R was also unhappy with how long it took Shoosmiths to deal with her complaint. It didn't respond to her with its final response until November 2017. Unfortunately, under our rules I can only consider complaints about regulated activities or activities ancillary to these (such as advice, collection of payments, debt collection, etc.) Complaint-handling isn't a regulated activity, and it isn't ancillary to a regulated activity, so it doesn't fall within the scope of our rules. That means I can't consider this specific matter.

**my final decision**

For the reasons I've explained, I'm not upholding Mrs R's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs R to accept or reject my decision before 17 February 2019.

Kevin Williamson  
**ombudsman**