

## **complaint**

Mr and Mrs B complain Baines & Ernst Limited didn't discuss all of the debt management options that were available to them as Scottish residents.

## **background**

In 2009 Mr and Mrs B asked Baines & Ernst for advice about debt management. They subsequently entered into a debt management plan.

In 2014 Mr and Mrs B, who are represented, complained to Baines & Ernst that they should have advised them to enter into a debt arrangement scheme.

Baines & Ernst investigated Mr and Mrs B's complaint but didn't uphold it. It said that it had referred Mr and Mrs B to a third party who was able to give advice on Scottish law and debt arrangement schemes. It said that Mr and Mrs B had chosen a debt management plan after having received advice from that third party. Mr and Mrs B complained to us.

Our adjudicator didn't recommend that this complaint be upheld as he didn't think it was unreasonable that Baines & Ernst summarised Mr and Mrs B's options and suggested they get advice on debt arrangement schemes from a third party. Mr and Mrs B disagreed.

## **my findings**

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

Having read the evidence of both sides, I don't think a debt management plan was an unsuitable option for Mr and Mrs B nor do I think it was wrong for Baines & Ernst to suggest they got advice on debt arrangement schemes from a third party. I say this because Baines & Ernst were giving English law options rather than Scottish law options. Indeed, I'm satisfied at the time that Baines & Ernst didn't have the authorisation it would have needed to give advice about debt arrangement schemes – it does now following an amendment of the regulations governing debt arrangement schemes.

Given the above, I agree that this complaint shouldn't be upheld.

## **my final decision**

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs B to accept or reject my decision before 14 October 2015.

Nicolas Atkinson  
**ombudsman**