

The complaint

Mr L complains that Creation Financial Services Limited acted impolitely and unprofessionally during a telephone call he had with them.

What happened

In or around December 2020, Mr L had cause to telephone Creation to discuss an outstanding matter.

Mr L says that during the call, Creation's advisor acted in an unprofessional manner and was impolite to him. He says this resulted in him feeling very distressed. So, he decided to complain to Creation, specifically in relation to this call.

Creation agreed to investigate Mr L's complaint. Having done so, they wrote to Mr L in January 2021. Creation said they'd listened to a recording of the telephone call and didn't agree that their agent had acted inappropriately.

Mr L wasn't happy with Creation's response to his complaint. So, he decided to refer matters to this service to investigate on his behalf.

One of our investigators considered Mr L's complaint together with information and records provided by Creation. Our investigator said that Creation were unable to recover a recording of the call referred to. Based upon the information that was available, they didn't think there was anything to suggest Creation had acted inappropriately.

Mr L wasn't happy with our investigator's response to his complaint. He thought it wasn't fair that Creation weren't able to provide a recording of the call for this service to review. So, as an agreement couldn't be reached, Mr L's complaint has been passed to me to consider.

What I've decided – and why

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

I understand that Mr L has made various complaints to and about Creation. In this case, I have only considered Mr L's complaint specifically in relation to the call he made in December 2020. Any other complaints are considered distinct and separate from this, so I'm unable to consider them in my response.

It's relevant to stress that this service's role as an Alternative Dispute Resolution Service (ADR) is to provide mediation in the event of a dispute. In doing so, my decision is based upon on the facts and evidence available. Both Mr L and Creation have been given the opportunity to tell us what they remember saying or being told.

Mr L has insisted that Creation acted inappropriately during that call. In order to reach a decision, I needed to best establish what happened and whether this suggests that Creation did something wrong. Where evidence isn't available, I needed to consider whether, on the balance of probabilities, the information I do have supports what Mr L has said.

Unfortunately, Creation aren't able to provide a recording of the telephone call in question. A business is not required or obliged to record calls. Where they do, they aren't obliged to retain any recording indefinitely. So, while Mr L believes it's unfair Creation haven't been

able to provide the recording, I can't reasonably say that Creation have done anything wrong because of this.

When Creation investigated Mr L's complaint, a recording was available to them. They've confirmed to this service this was reviewed before they responded to his complaint. Creation have provided a copy of the notes they made when they listened to the recording. While these aren't a full transcript, they do provide a reasonably detailed summary of the conversation. Having considered these, I'm unable to find anything that might lead me to conclude they acted inappropriately.

I understand and appreciate what Mr L believes he recalls from that conversation. I also appreciate that he says the call caused him some distress. But based upon the information provided, I can't reasonably conclude that Creation did anything wrong. I realise Mr L doesn't agree, but the information provided by Creation suggests they investigated his complaint fully and appropriately. And I haven't seen anything that would lead me to disagree with their findings.

I realise Mr L will be disappointed, but I shan't be upholding his complaint.

My final decision

For the reasons set out above, I don't uphold Mr L's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr L to accept or reject my decision before 12 April 2022.

Dave Morgan
Ombudsman