

## **The complaint**

Miss P complains about the poor service she received from Sainsbury's Bank Plc while trying to discuss her outstanding credit card balance.

## **What happened**

Miss P contacted our service to complain about Sainsbury's response to a settlement offer she'd made to clear the outstanding balance on her credit card account. She complained about the way she was treated by Sainsbury's, the amount of time it took to get a response and Sainsbury's response once it came. Miss P has also complained about whether the lending was unaffordable and that's been looked at separately.

Miss P said she had to make a number of calls to Sainsbury's before she was able to speak to someone. She felt like she was being passed from pillar to post. She said after she'd spoken to someone at Sainsbury's she was told her balance had already been passed to a collection agency - so she'd need to speak to them. Miss P says this was even more upsetting. And to make matter worse, when Miss P tried to speak to the collection agency she was told it was up to Sainsbury's to consider her settlement offer.

Miss P complained to Sainsbury's who accepted that she'd been waiting months for a response. Sainsbury agreed to get back to her on her offer and to raise a complaint. Miss P says the member of staff who subsequently looked into her complaint was rude and business-like when they spoke a few days later and that she found the situation extremely upsetting.

Miss P wanted help with her debt situation, but she felt Sainsbury's was discriminatory towards her given the upsetting service she received despite Sainsbury's being aware of her personal circumstances. Miss P expected a fairer and more empathetic response in the circumstances rather than an unkind one. Miss P was unhappy with Sainsbury's response and so complained to us.

Sainsbury's has told us that it considered Miss P's settlement offer of £400 but felt it was too low because of the remaining balance. But it's said it also recognised Miss P's financial difficulties and provided information for a number of independent parties who might be able to help.

Sainsbury's apologised that the service Miss P had received was below its expected level given the time it had taken to respond to her offer and it offered her £50 compensation. After reviewing the matter further Sainsbury's offered Miss P another £75 for the delay in reviewing her offer.

Our investigator looked into the matter. He explained it was for Sainsbury's to decide whether or not to accept Miss P's offer. That wasn't something he could look at. But he listened to the calls between Miss P and Sainsbury's and he felt it could've done more to help her. One call had been handled sympathetically and helpfully. But the second call with the member of staff who looked into her complaint showed Miss P had been distressed and upset by what she felt was a business-like tone from Sainsbury's agent.

And as Sainsbury's was aware that Miss P was vulnerable he felt the call wasn't entirely empathetic. So he recommended Sainsbury's increase its offer of compensation to £250. The second call didn't come to light until late on in the investigation.

Sainsbury's didn't agree with our investigator so it's asked for an ombudsman's final decision. It agreed that things could've been handled better, and a gentler approach taken. But Sainsbury's said Miss P's complaint was about its decision to decline the offer not about how it'd handled the complaint – which isn't a regulated activity. So Sainsbury's didn't think it should pay any further compensation as the second call was a call with a complaint handler.

### **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'm sorry to hear about the difficulties Miss P's been through and I can appreciate how upsetting she's found the circumstances around this complaint. I understand Sainsbury's is aware of the issues Miss P has experienced in the past and the impact this is having on her mental health. So I've looked at what's happened and listened to the calls between Miss P and Sainsbury's to see whether it's treated Miss P fairly and sympathetically.

Miss P has been trying to reduce her debts and has agreed settlement offers with other companies. But Sainsbury's hadn't responded to the offer she made in June and she had to chase for a response on a number of occasions.

Miss P said when she spoke to one party it said she needed to speak to the other party. And I appreciate that would've added to Miss P's stress and upset. Miss P had been waiting for over three months for a response to her offer by the time Sainsbury's raised a complaint – within days of doing so Sainsbury's responded to Miss P's offer. And Sainsbury's, unlike other businesses Miss P had dealt with, rejected Miss P's offer without giving any reasons, making matters worse.

In terms of the offer of settlement I understand Miss P no longer has the funds for this. So I don't think I need to comment on this aspect any further. But I can look at the service Miss P received from Sainsbury's while she was trying to sort things out.

Although the collection agency is now looking after Miss P's debt, Sainsbury's is still responsible for making decisions about it. And Sainsbury's has acknowledged it didn't respond to Miss P's offer until September. It accepts that was too long and would've caused Miss P additional upset. So it's offered a total of £125 compensation for the upset and delay.

Miss P feels she was treated in a discriminatory manner by Sainsbury's in that it was aware of her mental health situation, had got its specialist team to deal with her offer yet still treated her in an unkind way. In short, she expected a fairer and more empathetic response.

From what I've seen, most of the time Sainsbury's agents showed sympathy and patience while discussing things with Miss P. But Miss P was particularly upset to be called after 6pm to be told 'bad news' about her offer.

And it's clear from listening to the call she had with the member of staff who looked into her complaint that Miss P found the conversation with that member of staff very upsetting. I can hear the distress in her voice. I don't think the member of staff meant to sound rude to Miss P. But Sainsbury's was aware of Miss P's circumstances and vulnerability. And at points during the call I think the member of staff could've been more sympathetic and understanding rather than cause additional upset to a vulnerable customer.

It should've been clear to Sainsbury's that Miss P would expect help and support. So an unhelpful or unsympathetic response would've impacted poorly on Miss P for some time.

Miss P is trying to deal with her outstanding debts. And I recognise the efforts she's making to move forwards. I'm pleased she was able to bring this complaint to us. And I'm grateful for the information she's provided and the additional effort this would've required. I understand Sainsbury's has provided information about some third parties who may be able to help Miss P manage her finances. And I hope she's able to reach a suitable outcome. In the meantime, we're looking into whether or not the lending was unaffordable as a separate complaint.

### **Putting things right**

Miss P has raised a number of concerns, some of which are being looked at separately. But this decision is not about complaint handling. As Sainsbury's has pointed out, that is not a regulated activity I can comment on.

This decision is about the poor response and delay that a vulnerable customer experienced when she tried to discuss her debt with the bank. I can see our investigator suggested Sainsbury's increase its offer of compensation to £250. And I think that better reflects the distress and upset caused to Miss P. The long delay in responding and the manner of the response require additional compensation above the £125 already offered.

To put things right Sainsbury's should increase its compensation to Miss P to a total of £250 for the delay and poor service she received and Sainsbury's should pay this to her directly.

### **My final decision**

My final decision is that I uphold this complaint. I direct Sainsbury's Bank Plc to follow the steps I've outlined in 'putting things right' above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss P to accept or reject my decision before 17 June 2022.

Andrew Mason  
**Ombudsman**