

The complaint

Mrs T complains Next Retail Limited trading as Next Directory didn't notify her before closing her account.

What happened

The details of this complaint are well-known to both parties, so I won't repeat them again here. The facts aren't in dispute, so I'll focus on giving the reasons for my decision.

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.

Having considered everything, I've reached the same conclusions as our Investigator, for these reasons:

- Next has said Mrs T's account was closed in March 2022 because it hadn't been used in two years, but before doing so they emailed her two months in advance to explain her account would close if it wasn't used. I've seen the terms and conditions that apply to Mrs T's account and seen they allow Next to close an account if two-months' notice is given to their customer. Mrs T says she didn't receive the emails notifying her that her account would close, so I've had to decide what I consider is most likely to have happened.
- Next has sent us a copy of an audit trail from their system that shows emails were sent to Mrs T in January 2022 and February 2022. This evidence suggests the emails concerned account closure after dormancy of two years, and the email address used is the same as the one we hold for Mrs T in this complaint. Mrs T says she didn't receive these emails and has questioned the validity of the system notes and has asked for more detailed evidence from Next. I can understand why Mrs T would like this; however, I'm not persuaded there's a reason to question the validity of the evidence we've received. It's for individual businesses to determine how information is stored on their systems, and that isn't something our Service has the power to change. Next has sent us the evidence they have to demonstrate what was sent to Mrs T, and I'm satisfied it is sufficient to conclude that it's more likely than not an email was sent to Mrs T, in January 2022, explaining her account would close in two months' time if it wasn't used.
- Mrs T has also explained she's unhappy her account was closed because there was a pandemic during the period her account wasn't used. While I understand why Mrs T may not have used her account during the pandemic, it's not for us to tell Next what their policy for dormant accounts should be. Therefore, I cannot ask them to change their position for the reasons Mrs T has suggested. I appreciate Mrs T was sent a replacement card with a June 2020 start date, but I don't agree this means Next has done anything wrong. Ultimately, while Mrs T's account was still open I'd

expect her to be sent a new card if a previous one was due to expire. Had they not done so, Next's actions would have prevented her from using her account if she wanted to.

- Given the above, I don't consider Next treated Mrs T differently to other customers with similar circumstances. I'm persuaded it's most likely that an email was sent to her in January 2022 explaining her account would close if it wasn't used. I'm aware the system notes say the email was opened by Mrs T, and that she disagrees that happened. But even if she hadn't opened the email, it wouldn't change my mind. That's because I consider Next just needed to send the email to the correct address. I'm satisfied that was done, and I don't consider it would be fair to hold them responsible if something may have gone wrong after that point. It's for this reason I won't be asking Next to reopen Mrs T's account.
- If Mrs T wants a new Next account, she'll need to apply for one. I consider that's fair and reasonable in the circumstances because Next are obligated to ensure any lending they offer is affordable – and they can only do that if a new application is completed and reviewed.
- Next offered Mrs T £30 as a gesture of goodwill due to the inconvenience she experienced having to raise a complaint. I'd say that offer is reasonable in the circumstances because I don't consider Next treated Mrs T unfairly. I'm aware Mrs T didn't accept the £30 gift card sent to her, so if she'd like this award paid to her, she'll need to tell Next if she wants this in the form of the gift card or paid to an account of her choosing.
- I've not commented on the issues regarding Mrs T's subject access requests as I'm aware she's raised the matter with the Information Commissioner's Office.

For these reasons, I'm upholding Mrs T's complaint, albeit not in the way she hoped.

My final decision

My final decision is that I'm upholding Mrs T's complaint.

Next Retail Limited trading as Next Directory has already made an offer to pay £30 to settle the complaint and I think this offer is fair in all the circumstances.

So, my decision is that Next Retail Limited trading as Next Directory should pay £30.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs T to accept or reject my decision before 6 July 2023.

Sarrah Turay
Ombudsman