

The complaint

Mr A complains OHENTPAY UK LIMITED (“OUL”) has failed to process two payments he made to his overseas account using its platform. Mr A adds this has caused him distress and inconvenience.

What happened

In January 2023, Mr A sent two separate payments of £1,500 to his overseas account. He says this was to pay for his visa. Mr A told OUL these funds had not been received into the beneficiary account and was told it was looking into it.

Mr A then referred his complaint to this service. OUL were given eight weeks to send Mr A its final response, but from what I’ve seen this wasn’t sent.

One of our Investigator’s then looked into Mr A’s complaint. They asked OUL for its representations to this complaint in March 2023, April 2023, and twice in May 2023. But no responses were received.

As they received no responses, our Investigator sent OUL their findings on the complaint based on the limited information they had. In short, they found:

- Mr A has shown he tried to send £1501.99 twice abroad and this shows as pending. He had to pay a fee of £1.99 respectively for the transactions
- Mr A’s OUL statements show he’s been sending funds using its services since June 2022. OUL hasn’t told Mr A why his payments are still pending
- Based on Mr A’s submissions, and as OUL haven’t responded, the complaint is upheld
- To put things right, OUL should refund Mr A the funds and pay 8% interest on them from the date he requested them till settlement. OUL should also pay Mr A £100 for the trouble and upset its caused and £100 for the failure to comply with our time limits under DISP 3.5.14 of the rules that govern this service

Mr A agreed with what our Investigator said. In addition to sending their outcome by email, our Investigator also sent the same by letter. Someone senior at OUL responded to this letter by email in July 2023 and said they would forward it to the relevant department to respond to us within a week.

Our Investigator did not receive any response from OUL and sent them a chaser in August 2023 by email and letter. Because of this they sent both parties correspondence to inform them the complaint will be passed to an ombudsman to decide, and they have two weeks to make further representations. OUL did not respond.

This complaint has now been passed to me to decide.

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 done so, I've decided to uphold this complaint. I'll explain why.

Mr A says OUL didn't process two payments he made in January 2023 to his overseas account. He has sent in screenshots of his account with OUL which shows two payments of £1,501.99 were made by him but they were still pending. Mr A was charged a fee of £1.99 per transaction.

Mr A has also shown he was using the OUL payment service regularly from at least June 2022. I note he hasn't disputed any of these transactions or said he's had problems with OUL before.

As a service, and in terms of contact attempts from the Investigator, I'm satisfied we've made more than reasonable efforts to get OUL's side of the story. But despite that no material information relating to the complaint has been made. It's not clear if OUL's contact details on our system are incorrect, but I note they're consistent with what's on the regulator's, the Financial Conduct Authority's (FCA), website.

A senior member of staff from OUL also responded to our Investigator's letter of outcome, so I'm satisfied its aware of the complaint and its obligations to respond to this service.

As I'm satisfied OUL are aware of this complaint, and as its had more than reasonable time to respond, I will decide its merits based on the information I do have.

Given the information from Mr A - which includes his testimony - and as set out above, I'm persuaded he made the two payments and that they never reached his corresponding overseas account. As OUL haven't responded and given any explanation, I can't say why this has happened.

So, based on what information I do have, I think both transactions including the fees charged on them should be refunded to Mr A. These funds were being sent to Mr A's account, so I'm satisfied he's been deprived of them. Because of this OUL should pay 8% simple interest from when the transactions were made, which I understand is 5 January 2023, up until settlement.

Mr A says not having access to his funds has caused him and his family distress and inconvenience and to bridge the gap financially he's had to borrow money. I've already addressed Mr A being deprived of his funds. But I'm persuaded he would have suffered distress and anxiety because of what's happened. Having considered the impact, I'm satisfied £100 is fair compensation.

The rules that we must follow at the Financial Ombudsman Service, DISP, are contained in the FCA's handbook. Mr A and OUL can refer to these on the FCA's handbook on its website.

DISP 3.5.14 says: *"If a respondent fails to comply with a time limit, the Ombudsman may:*

- (1) proceed with consideration of the complaint; and*
- (2) include provision for any material distress or material inconvenience caused by that failure in any award which he decides to make.*

I've already said that I've proceeded to consider the complaint as OUL has failed to comply with the time limits we had set it. I also think the delays have exacerbated Mr A's distress and inconvenience given no information or explanation has been given by OUL. Had it complied with our time limits its likely a resolution would have been reached much sooner too.

Because of this I'm satisfied OUL's failure to comply with our time limits has had a material impact on the distress and inconvenience Mr A suffered. Because of this I award a further £100 compensation.

Putting things right

To put things right, OUL must:

- Pay Mr A £3,003.98 as a refund of his transactions that were not processed
- Pay Mr A 8% simple interest on £3,003.98 from 5 January 2023 until settlement*
- Pay Mr A £200 compensation for the distress and inconvenience he's suffered**

* If OUL considers that it's required by HM Revenue & Customs to deduct income tax from that interest, it should tell Mr A how much it's taken off. It should also give Mr A a tax deduction certificate if he asks for one, so he can reclaim the tax from HM Revenue & Customs if appropriate.

**OUL must pay the compensation within 28 days of the date on which we tell it Mr A accepts my final decision. If it pays later than this, it must also pay interest on the compensation from the deadline date for settlement to the date of payment at 8% a year simple.

My final decision

For the reasons above, I uphold this complaint. OHENTPAY UK LIMITED must now put things right as directed above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 6 October 2023.

Ketan Nagla
Ombudsman