

## **The complaint**

Mr and Mrs K are unhappy because TSB Bank plc failed to carry out a financial review by email and passed their account to a debt collection agency.

## **What happened**

Mr and Mrs K have had a payment plan in place on their account with TSB for around five years.

In January 2023 Mr and Mrs K contacted TSB by email and requested to update the payment plan. TSB responded and directed Mr and Mrs K to their local branch. Around one week later Mr and Mrs K contacted TSB by email again and requested that the review take place via email due to Mr K suffering from COPD and having hearing difficulties. Mr and Mrs K's request was initially accepted by TSB, but Mr and Mrs K didn't receive anything by email. Mr K then began to receive automated calls to contact TSB by telephone. As he couldn't do this effectively due to his medical condition, Mr K raised a complaint with TSB.

TSB upheld the complaint. It acknowledged that its financial support services could have been more helpful and that rather than directing Mr and Mrs K to their local branch, it should have sent an income and expenditure form or advised that this form could be completed online. TSB paid compensation of £50 in recognition of the distress and inconvenience caused. It said that in order to update the payment plan, it required a new income and expenditure form and asked Mr and Mrs K to complete this via its website. TSB said that once it had received this information, the financial support services would be in contact to discuss the payment plan.

Mr and Mrs K completed a new income and expenditure form and waited for a review to take place by email. However, Mr and Mrs K continued to receive calls asking them to contact TSB by telephone and then received letters advising that the account would be passed to a debt collection agency.

Mr and Mrs K sent several emails to TSB but received no response. They have since received a letter from a debt collection agency advising that the debt has been passed to them.

Mr and Mrs K brought their complaint to this service. As a resolution they would like the debt written off.

Our investigator didn't uphold the complaint. They said that TSB had sent an Enforcement Notice and Formal Demand to Mr and Mrs K warning of the action it would take and advising them about other communication options. The investigator said that whilst he understood that Mr K wasn't able to speak to TSB on the phone, there was no reason why Mrs K (as a joint account holder) could not have done so.

Mr and Mrs K didn't agree. They said that the account shouldn't have been transferred to the debt collection agency in circumstances where they met income and expenditure criteria and could make monthly payments to TSB. Mr and Mrs K also said that they had been proactive

in chasing TSB for a resolution prior to the issue of the Enforcement Notice and Formal Demand but that their correspondence had been ignored.

### **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've reviewed what happened following TSB's final response letter. TSB asked Mr and Mrs K to complete an income and expenditure form via its website and said that once it had received this information, its financial support services team would be in contact to discuss the payment plan.

TSB has confirmed that it received a completed income and expenditure form from Mr and Mrs K. However, it had some questions about some of the information provided and made several attempts to contact Mr and Mrs K by telephone to discuss this. TSB has said that on the one occasion it managed to get through to Mr and Mrs K by telephone, they advised to correspond by email only and the call was disconnected.

I understand that Mr K finds it difficult to use the telephone. TSB accommodated this by accepting the income and expenditure by email. However, when TSB needed to discuss the income and expenditure, I don't think it was unreasonable for TSB to try and speak to Mr and Mrs K. The account held by Mr and Mrs K is a joint account and therefore, as a person with joint responsibility for the account, Mrs K could have spoken to TSB on the telephone regarding the income and expenditure. I haven't seen anything to suggest that Mrs K wasn't able to use the telephone to discuss the account.

I've thought about whether TSB treated Mr and Mrs K fairly when it defaulted the account and passed the debt to a debt collection agency. I can see from the collection team notes provided by TSB that several attempts were made to contact Mr and Mrs K by phone prior to May 2023 when the account was defaulted. As I've said above, I appreciate that Mr K finds it difficult to use the phone. But I'm not aware of any reason why Mr K couldn't pass the phone to Mrs K if he answered it or why Mrs K couldn't call TSB back to discuss the account.

I can also see that in the letters which TSB sent to Mr and Mrs K, there was a message as follows; *"If you'd like this in another format such as large print, Braille or audio please ask in branch. If you have a hearing or speech impairment you can contact us using Text Relay or Textphone on 0345 835 3843"*. I'm therefore satisfied that TSB made reasonable adjustments by providing other options for Mr and Mrs K to contact them to discuss the account.

I can see that the Enforcement Notice dated 19 April 2023 and the Formal Demand dated 11 May 2023 were sent to both Mr and Mrs K. These letters set out the action that TSB would take. The reasonable adjustments message I've referred to above was included on the letters. Based on what I've seen, I'm satisfied that Mr K was given the option to contact TSB in an alternative manner. And I've seen no evidence to suggest that Mrs K couldn't have communicated with TSB by telephone.

Mr and Mrs K have said that the account shouldn't have been transferred to the debt collection agency because they had completed an income and expenditure form. I agree that income and expenditure details were provided to TSB. However, as I've explained above, TSB had questions about the information provided, and because these questions were never discussed, I can't be certain that Mr and Mrs K met the criteria for a payment plan going forwards.

Taking everything into account, I'm unable to say that TSB treated Mr and Mrs K unfairly when it defaulted the account and passed the debt to a debt recovery agency. For the reasons I've explained, I'm not upholding the complaint.

### **My final decision**

My final decision is that I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs K and Mr K to accept or reject my decision before 31 January 2024.

Emma Davy  
**Ombudsman**