

The complaint

Mrs L complains that Vanquis Bank Limited didn't provide her with the service it should have when she was experiencing financial difficulties and requested information through a Data Subject Access Request (DSAR).

What happened

Mrs L has explained she has experienced a period of health and financial issues and missed some of the payments due on her Vanquis credit card account. She contacted Vanquis about her situation and says she was told that she would be called back but this didn't happen. She says that her account was then defaulted without any prior notice. Mrs L feels that Vanquis should have allowed her more opportunity to put things right before defaulting her account. Mrs L also says that Vanquis delayed sending her the data she had requested through a DSAR.

Vanquis issued a final response letter dated 19 January 2023. It said that Mrs L had several calls with its Credit Service Team and its Specialist Support Team and while assistance was offered no agreement was put in place. It said that due to consecutive missed payments, Mrs L's account was sold to a third party in August 2022. It said that it had listened to Mrs L's call from 2 December 2022 and that while Mrs L was upset the adviser did try to assist her and explained why her account had been sold. It noted that a copy of this would be sent to her as requested within 30 days. It said it couldn't recall Mrs L's account and said it was satisfied it had provided the correct level of support.

Mrs L didn't accept Vanquis' final response and referred her complaint to this service.

Our investigator addressed Mrs L's complaint in two parts. First the default being applied to Mrs L's account and second the response to her DSAR. He said that before the default was applied, Mrs L had missed payments on her account for several months and arrears had built up. He said that Vanquis had tried to call Mrs L on multiple occasions to discuss the situation and had sent letters to her address including notice of default letters. Given this he didn't find that Vanquis did anything wrong by applying the default and felt it provided an accurate reflection of Mrs L's account at the time. In regard to the DSAR, he noted that Vanquis had accepted that a mistake was made with the request and the information was delayed. Vanquis offered to pay Mrs L £150 because of this issue which our investigator thought reasonable.

Mrs L didn't agree with our investigator's view. She didn't think all of her issues had been addressed. She said she had needed extra time to be provided by Vanquis before the default was applied.

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 am very sorry to hear of the extremely difficult personal circumstances Mrs L has

experienced and I do not underestimate the pressures and stress she has been under. My role is to consider the unique circumstances of each complaint and whether, given the information provided by both parties I feel that the business, in this case Vanquis, did anything wrong or treated Mrs L unfairly.

Mrs L has provided detailed background to her complaint, and I note her comments that she feels all of her issues haven't been considered by this service. I want to assure Mrs L that I have considered everything that has been provided as part of the complaint but, as our investigator has explained we are an informal service and so my reasoning focusses on the key issues I have relied on to make my decision.

This complaint has two parts. The first is in regard to the default being applied to Mrs L's account. The second is Vanquis' response to Mrs L's information requests.

Default applied to Mrs L's account

Mrs L was experiencing financial difficulties and missed payments on her account. As has been explained, the business is expected to make the consumer aware of the consequences of not repaying the debt and provide them with appropriate notice before a default is applied.

I can see from Mrs L's statements that she had missed several payments on her account. Her statements showed the minimum payments required and noted these hadn't been made and the consequences of missing payments. Mrs L was also sent letters by Vanquis. On 2 May 2022, a 'Action Required' letter was sent, then on 17 May 2022, a 'Pending Notice of Default' letter and then on 1 June 2022, a 'Notice of Default'. While I note Mrs L's comment that she didn't receive these letters, they were sent to the address held on file and so I find that Vanquis provided the information to Mrs L that she needed to be aware of the action it intended to take.

I have listened to the calls provided that took place in April and May 2022. On these Mrs L is clearly upset and sets out her circumstances and how difficult she is finding things. While she makes it clear she is struggling she also says she doesn't want a payment plan set up. She asks for time to be provided but it is explained that this isn't an option. On the calls a resolution isn't found, and I note that on the call on 2 May she hangs up saying she feels pestered. Given this I can understand why further calls weren't made at that time.

The Notice of Default letter set out the payment that Mrs L needed to make by 29 June 2022 to prevent further action being taken. As this didn't happen, a default was applied to her account. I do not find I can say that Vanquis was wrong to do this based on the notice it had provided. I find the default provided an accurate reflection of Mrs L's account at the time and while I understand that Mrs L feels Vanquis should have given her more time to sort things out before applying the default, I do not find I can say that Vanquis did anything wrong in this case.

Mrs L's information requests

In the final response letter, Vanquis note the call made in December 2022 and said a copy would be sent to Mrs L. As part of this investigation, it was found that there was no conclusive evidence that this was sent. Vanquis also noted Mrs L's DSAR response wasn't sent as intended causing a delay in Mrs L receiving this information. I can appreciate how upsetting this delay will have been for Mrs L especially given the other pressures and stresses she had been experiencing and I agree that Vanquis should compensate her for this. Vanquis offered to pay Mrs L £150 because of these issues, and I find this is reasonable.

In conclusion, while I am not underestimating the difficult personal circumstances Mrs L has experienced and I appreciate why she feels that Vanquis should have given her more time, in this case I do not find I can say it did anything wrong by applying the default. I do however think it should have provided better service in response to Mrs L's information requests but agree that the £150 compensation offered for this is reasonable.

Putting things right

As Vanquis has offered, it should pay Mrs L £150 compensation for the delay experienced when she made her information requests.

My final decision

My final decision is that Vanquis Bank Limited should take the action set out above in resolution of this complaint.

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

Jane Archer
Ombudsman