

## The complaint

Mr G complains that Vanquis Bank Limited was irresponsible to lend to him.

## What happened

Mr G was approved for a credit card with Vanquis on 22 September 2008, with subsequent credit limit increases as follows:

<u>Date</u>	<u>Credit Limit</u>
22 Sep 2008	£250
8 Jun 2009	£500
7 Dec 2009	£1,250
5 Apr 2010	£2,000
5 Aug 2010	£2,250
5 Dec 2010	£2,500
14 Apr 2011	£3,000

Mr G says he wasn't asked for proof of income or expenditure when he applied for the account, nor at each of the credit limit increases. He says he had other credit accounts at the time and was only able to make the minimum repayments. Mr G adds that he was already in debt management plans and suffered from stress during the lending.

Vanquis initially said the complaint was out of jurisdiction as it concerned lending decisions from more than six years ago. However, it subsequently consented to this service investigating the complaint.

Our investigator did not recommend the complaint should be upheld. He said that, due to the passage of time, neither party was able to provide information about Mr G's financial circumstances at the time of the lending. Therefore, our investigator said there wasn't enough information to show Vanquis made an unfair lending decision.

Mr G responded to say, in summary, that it seemed unfair that his complaint could not be upheld when neither party could provide relevant information.

## 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 need to take into account the relevant rules, guidance and good industry practice.

Bearing this in mind, in coming to a decision on Mr G's case, I have considered the following questions:

- Did Vanquis complete reasonable and proportionate checks when assessing Mr G's application and credit limits to satisfy itself that he would be able to repay the credit in a sustainable way?
  - If not, what would reasonable and proportionate checks have shown?
- Did Vanquis make fair lending decisions?
- Did Vanquis act unfairly or unreasonably in some other way?

The account was opened almost 16 years ago, so Vanquis no longer has any evidence of any checks it carried out at the time.

As I cannot be sure, therefore, that Vanquis carried out proportionate checks, Mr G was asked to provide evidence of his financial circumstances at the time so that I could assess what proportionate checks were likely to have shown Vanquis.

Unfortunately, Mr G was also unable to provide any evidence from the time of the lending, so I cannot conclude that Vanquis made unfair lending decisions.

Finally, I've also considered whether Vanquis acted unfairly or unreasonably in any other way, including whether the relationship might have been unfair under s.140A of the Consumer Credit Act 1974. However, for the reasons I've already given, I don't think Vanquis lent irresponsibly to Mr G or otherwise treated him unfairly in relation to this matter. I haven't seen anything to suggest that Section 140A would, given the facts of this complaint, lead to a different outcome here.

### **My final decision**

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 19 August 2024.

Amanda Williams

**Ombudsman**