

## **The complaint**

Mr M complains that Quidie Limited trading as Fernovo (“Fernovo”) sent to him an unsolicited email and text in February 2024 which he took to be a lure to entice him to apply for a loan. He has experienced distress and has become angry about it. It has caused him inconvenience. He wishes it to stop sending him marketing information and he wants compensation for this.

## **What happened**

On 28 February 2024, using an old email address it had on its records, Fernovo sent to Mr M an email inviting him to apply for a loan. This was followed up by a text that same day to remind him of the discount it was offering.

Mr M has explained that he has experienced distress and has become angry about this. It has caused him inconvenience. And the reasons for this are that he says Fernovo knows he cannot afford any credit due to irresponsible lending complaints he has successfully brought against Fernovo in the past. The recent one was still ongoing at the Financial Ombudsman Service in February 2024 as Mr M received the Final Decision from another ombudsman about his Fernovo complaint on 26 April 2024. He accepted that. He paid off the last loan with Fernovo of which I am aware in October 2023.

After Mr M had complained, Fernovo responded with its final response letter (FRL) on 1 March 2024 in which it upheld his complaint. It apologised sincerely to Mr M in the FRL and it acknowledged Mr M's financial situation and appreciated the sensitivity of it. It also said that its communication processes were being completely reviewed to prevent such incidents occurring in the future. Fernovo offered to Mr M £30 if his complaint was withdrawn.

Fernovo has told us that correspondence took place between it and Mr M to seek to resolve the complaint. We've been told it related to the level of compensation.

After that correspondence failed to reach a mutually agreeable outcome, Mr M referred the complaint to the Financial Ombudsman Service where one of our investigators agreed with Mr M's issues and upheld the complaint. He increased the proposed compensation to £50.

Fernovo accepted this outcome and the £50 compensation figure. Mr M did not. Mr M told us that he thinks that the level of worry, anxiety and distress causing sleepless nights justifies £500, but he'd be willing to accept £250. Correspondence followed between Fernovo, our investigator and Mr M to try to resolve the complaint. But it remained unresolved and the complaint was 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.

I've read and considered the whole file, but I'll concentrate my comments on what I think is

relevant. If I don't comment on any specific point it's not because I've failed to consider it, but because I don't think I need to comment on it to reach what I think is the right outcome.

Fernovo accepts it ought not to have sent that email and text to market its available loan offers to Mr M. Especially as Mr M was in the middle of an irresponsible lending complaint case. As the core of the complaint has been resolved then the issue left for me to decide turns on the compensation level.

I think Fernovo has caused Mr M some distress and inconvenience for it to compensate him, and I think £50 is sufficient in the circumstances. Fernovo has already agreed to pay that following our investigator's view.

I don't consider that any further letter of apology is needed unless Fernovo wishes to send one to Mr M. I say this because it apologised to him more than once in the FRL dated 1 March 2024 which was two days after the event complained of, and it explained it was undertaking a review of matters to ensure it does not happen again.

And I also say this as Fernovo accepted the investigator's view immediately, which further indicates its openness to resolution.

I know that Mr M thinks he's owed more money than the £50 I am directing Fernovo to send to him. But I do not think it warrants any more than £50 and I've no evidence from Mr M to back up his submission that he thinks £250 or more is needed. I must consider what I think the impact Fernovo's transgression had on Mr M.

Further, I've considered the fact that the Financial Ombudsman Service is not here to be used to fine regulated firms as we are not the regulator. I consider the investigator's findings and conclusion fair and reasonable. I have no additional evidence which leads me to think that any more is warranted. Mr M has the option to reject my decision if he chooses.

### **My final decision**

I uphold this complaint and direct Quidie Limited trading as Fernovo to pay Mr M £50 to compensate him for the distress and inconvenience caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 25 September 2024.

Rachael Williams  
**Ombudsman**