

The complaint

Ms D has complained that, despite having paid off her balance, Marks & Spencer Financial Services Plc ('MSFS') unfairly charged her a late payment fee, followed by further late payment fees on top of this.

What happened

Ms D opened a credit card account with MSFS. But, she's explained that she had difficulty making a repayment, due to issues with the app/online banking and the phone service. So, her repayment was late, and she was charged a fee. She disputed it and didn't pay it, which resulted in further late payment fees. It also affected her credit file.

One of our investigators looked into what had happened. But, she was satisfied that Ms D could have accessed her online account, by changing her password. And she could have made other attempts to contact MSFS.

Ms D disagreed. She said she was never told she needed to change her password. Further, once she complained, she says she was assured the issue would be resolved. So, she thought no further monies would accrue while the complaint remained open.

The complaint's now been passed to me.

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'm not upholding it. I know this will be disappointing for Ms D, and I understand her frustration. But, I agree with our investigator that she could have made further attempts to contact MSFS. I appreciate she may not have been aware about the password, but I do think she could have kept calling – as she was later able to get through, so the issue appears to have been temporary. There's also the option to pay at a bank branch/post office. So, I think Ms D could have made the payment on time. This means, I think the first late payment fee was fairly charged.

I've also listened to the calls, and at no point was Ms D told the account would be put on hold. Rather, she was told the complaints team would look into things. So, I think this was a misunderstanding. And, as the late payment fee wasn't made, it incurred further fees. While I understand this all stemmed from a relatively minor issue, so is very frustrating, I don't think MSFS has behaved unfairly.

My final decision

For the reasons given above, it's my final decision not to uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms D to accept or reject my decision before 16 June 2025.

Elspeth Wood
Ombudsman