

The complaint

Mr W complains that NewDay Ltd trading as Marbles provided him with poor customer service on multiple occasions.

What happened

Mr W had previously brought a complaint to our service which was found in his favour. He says since then he's had a lack of service from Marbles as the complaint handler hasn't rung him despite being found at fault. Mr W says the issue is causing him stress, and he's told us about his health, which the issue is impacting him. Mr W says he hasn't received statements that he was told had been sent. Mr W made a further complaint to Marbles, but he says they never acknowledged his second complaint, so he brought his complaint to our service.

Our investigator upheld Mr W's complaint. She said Marbles should pay Mr W £150 compensation for Mr W's stress and inconvenience, give him a copy of all statements since the inception of his credit card and arrange a call with the complaint handler as offered in her email dated 4 July 2024.

Mr W asked for an ombudsman to review his complaint. He made a number of points. In summary, he said that he couldn't see how the same compensation as his previous complaint could be offered when Marbles failed to act on the first complaint he brought to our service, and nothing had been actioned hence the second complaint which they didn't respond to him about.

Mr W said that he never received the statements which had been requested and our investigator had asked the complaint handler to ring Mr W to contact him, which he still hasn't had, and no reason had been given for this. He mentioned three calls need listening to which would demonstrate how he had been treated on the phone, as the complaint handler wouldn't take his call after promises of a call back.

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.

Firstly, I'm aware that I've only summarised Mr W's complaint points. And I'm not going to respond to every single point made by him. No discourtesy is intended by this. It simply reflects the informal nature of our service as a free alternative to the courts. If there's something I haven't mentioned, it isn't because I've ignored it. I haven't. I'm satisfied I don't need to comment on every individual point to be able to reach what I think is a fair outcome.

I'd like to thank Mr W for being open about his health issues and the impact that what's happened has had on him. I won't go into details about what Mr W has told us about his health in this decision to help protect his identity, but I can assure him I've read everything that he's told us.

I want to clear up what appears to have happened regarding a phone call with the complaint handler at Marbles. While I can't investigate his previous complaint he's brought to our service, I've had a look at what has been said about a specific complaint handler ringing Mr W (although I will address what Marbles have directly told him later in this decision).

In the view of his previous complaint that another investigator issued, there was no instruction for the complaint handler at Marbles to ring Mr W. Although Mr W told him problems he was having after the view of the complaint, and our investigator reached out to Mr W, the complaint handler in question said should Mr W require any additional support, he can contact their customer care team, and the phone numbers were provided.

As Mr W had further issues with Marbles, the original investigator emailed the complaint handler and said *"But maybe it would be prudent from someone from (Marbles) complaints team to call him directly then explain what he needs to do to set up payments for the accounts again."*

On 4 July 2024, the complaint handler in question emailed our service and she said *"Unfortunately, if any payment arrangements required, Mr (W) would need to speak to our Customer Care Team who will go through income and expenditure details and ensure that he is set up on the best repayment plan. On reviewing Mr (W's) account I can see that he has spoken to the relevant Team on 15 June 2024 who have agreed a payment plan to which Mr (W) has made payments as agreed."*

Mr W has told us that he didn't want to speak to the complaint handler regarding a repayment plan as he wanted to speak to her about the statements and how he could take the complaint forward. So I do think there was a misunderstanding on the complaint handlers part with what Mr W wanted to speak to her about, although I also note the message she was responding to did not mention statements, and it mentioned the repayment plan.

Our investigator on Mr W's current complaint that I'm looking at here did say that the complaint handler should ring Mr W as offered in her email of 4 July 2024 as she said *"If there is anything further Mr (W) would like to discuss regarding the original complaint, I can see if we can give him a call back at a time that is convenient."* But again, the complaint handler did not promise to call Mr W back. And as Mr W and Marbles didn't both accept our investigator's view of his current complaint, this is why Mr W didn't receive a call back from this complaint handler in response to our investigators view of the complaint.

I can understand why Mr W may have been under the impression that he may get a call back from that complaint handler even though our investigator on his previous complaint didn't specifically ask that complaint handler to directly ring Mr W, and she hadn't promised to ring Mr W back in her communications to our service.

I've listened to a number of call recordings between Mr W and Marbles. On one call, Mr W speaks to a complaint handler for around an hour. Mr W tells the call handler he's sent them three emails, but he's not heard anything back from them and he had escalated the complaint the previous week. He tells them there was no acknowledgment of his complaint.

Mr W says he's never had all of the statements he's asked for, and he didn't receive a call from the complaint handler. Mr W says our service has said that the complaint handler should ring him direct, but as I've already mentioned, I can't see the original investigator asked them to do this regarding statements. Mr W is placed on long periods of hold while the call handler looks into what Mr W is telling them.

The call handler tells Mr W they've had a system issue where the letters should have been received by Mr W much earlier. The call handler says he spoke to the complaint handler in

question, and she had sent Mr W the statements which he should have received which should detail all of the interest that has been charged.

Mr W says he's been told previously call handlers couldn't get through to the specific complaint handler themselves, yet this call handler has been able to speak to her directly. Mr W asks the call handler if he asked her why she hasn't contacted him, and the call handler says that she had initiated an outbound contact with the statements and that had been actioned, and Mr W says he hadn't received it. Mr W asks why he's had no email responses and the call handler acknowledges Mr W's customer journey has been poor.

On another call I've listened to Mr W rings to set up a repayment plan, and he tells the call handler he's been waiting for a call from the complaint handler five times. The call handler sends Mr W an income and expenditure form, and Mr W makes a payment of £10.

On another call I've listened to, Mr W tells the call handler that this was the sixth time he's tried to speak to the specific call handler. He is transferred to the complaints team, but the call cuts off.

So it's clear from these calls and from what Mr W has told us, that Marbles have let him down here. I've also read his system notes, and I can't see that anybody told him that the particular complaint handler wouldn't be calling him, despite Mr W reiterating to several call handlers he was waiting for a call from her. A system note dated 5 April 2024 shows the person entering the note told Mr W they would email the case handler to verify which account had the fees and interest refunded and possibly speak to Mr W. So I do think Mr W was under the impression he would get a call back, and Marbles let down Mr W here by not taking ownership of the situation here.

From the system notes it does appear to show that the complaint handler sent Mr W the required statements. There is a system note date stamped on 30 April 2024 statement the statements have been sent to Mr W, and he should receive them by the end of the week. But I've got no doubt that Mr W didn't receive them. While I can't hold Marbles responsible for any postal issues, I'm persuaded that they should have offered to resend these when Mr W told them on calls that he hadn't received the statements, but I didn't hear this being offered to him again. This would have prevented Mr W needing to ring Marbles back so many times if a call handler had offered to resend the statements.

Although I've noted the strength of feeling that Mr W wants the complaint handler to call him, I'm not persuaded that this is proportionate based on the circumstances. Mr W had arranged a repayment plan, and I will ask Marbles to resend statements out, so this can be done in a timely manner.

The complaint handler hadn't told our service that she agreed to call Mr W directly, and it would not be proportionate for me to force Marbles to get her to call Mr W based on me asking Marbles directly to resend his statements to him. I do agree that someone at Marbles should have rung him back even if it wasn't the specific complaint handler he had been communicating with, but as I will arrange the statements to be resent to him, there would be no viable reason for him to get a call back from that complaint handler now. If this disappoints Mr W, I hope he understands the reasons for this.

So I've considered what would be a fair outcome for this complaint. Marbles admitted system issues on a call, and they've acknowledged his customer journey was poor. Mr W wasn't sent the statements again, it wasn't clearly explained to him that he wouldn't be getting a call back from the complaint handler, and he had no acknowledgement of his complaint.

I asked Marbles why they didn't respond to Mr W's emails, and they told me that this was because the complaint was at our service. But while this may be Marbles procedure for when complaints are brought to our service, I think Marbles should have done more here.

I say this because Marbles notes show Mr W has told them about his specific circumstances around the time he made his second complaint, so they were aware that Mr W could be considered vulnerable. Mr W had sent them a number of emails without reply, which given his new complaint was linked with his previous complaint where Marbles were found to let Mr W down, then I'm persuaded a quick email to Mr W explaining the process could have helped mitigate some of the distress and inconvenience that he had here.

So I do think it's proportionate for Marbles to pay Mr W compensation for what happened. Our investigator has suggested £150 compensation. Mr W feels this is not enough compensation as it is the same amount as his previous complaint, despite the issues still continuing. But I must make him aware that our awards are not designed to fine or punish a business. I'm persuaded that £150 compensation is fair for the impact the issues had on Mr W. Although I asked our investigator to send Mr W the credit card statements we had on file for the affected account, I will ask Marbles to resend him these again in case any are missing. But I won't be asking the complaint handler to give him a call for the reasons I've already given.

Putting things right

Our investigator has suggested that Marbles pays Mr W £150 compensation for distress and inconvenience, and they should resend the statements from account opening on the account in question, which I think is reasonable in the circumstances.

My final decision

I uphold this complaint. NewDay Ltd trading as Marbles should pay Mr W £150 compensation for distress and inconvenience, and they should send him his statements from account opening on the account in question.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 21 November 2024.

Gregory Sloanes
Ombudsman