

## **complaint**

Mr C complains about how American Express Services Europe Limited has handled his request for a debt to be written off. He's also unhappy with the way it dealt with his complaint.

## **background**

In late 2015, Mr C asked both Amex and the agent which was collecting payments for his credit card debt whether they would be prepared to write off the debt. He had been making small payments to the collection agent for some time. He said his outgoings were more than his income, and his circumstances weren't going to improve.

Mr C chased the matter up but still didn't get an answer. He says he complained to the company that was collecting the debt on Amex's behalf. He thought that company hadn't treated him appropriately. He also thought it should have dealt with his complaint itself, instead of passing the complaint on to Amex.

In January 2016, Mr C asked us to look into his complaint. In February, Amex sent Mr C its final response to the complaint. It accepted it could have handled matters better. Amex said it – not its agent – was responsible for looking at Mr C's request for the debt to be written off, but it hadn't done that when Mr C asked it to. It sent Mr C a letter he could pass on to his doctor so they could let it know the situation with his health, and offered to pay for the doctor's letter. It also said sorry, Mr C could stop making payments for the time being, and it sent Mr C a cheque for £250.

Our adjudicator thought Amex's service had been poor but that £250 was fair, as long as Amex also agreed to consider Mr C's request for the debt to be written off.

Mr C didn't think £250 was enough. His son said Amex had caused delay and hadn't complied with the Equality Act. Mr C also still hadn't had an answer about whether his debt would be written off; his son said this was causing Mr C stress, worry and anxiety – on top of his already poor health.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

When Amex responded to Mr C's complaint, I think its letter was clear that its response – and the compensation it paid – covered his complaint about both it and the collection agent which was managing the debt. I can understand why Mr C wasn't happy with that approach, but that's not something for me to interfere with, and I think Amex and its agent explained to Mr C what they were doing in their letters.

I think the service Mr C received from Amex fell short, and he has had to wait far too long for a decision about whether his debt will be written off. Amex has accepted that, and it told Mr C he could stop paying while it looked into the matter. It also agreed to pay any fees for a doctor's letter confirming Mr C's medical situation. Amex has said it now has that letter, so it's considering Mr C's circumstances in order to decide whether to write off the debt.

Amex has said sorry to Mr C and sent him a cheque for £250 by way of compensation. Looking at the matter as a whole, I agree Mr C has been caused unnecessary worry and inconvenience. However, in all the circumstances, I think an overall award of £250 is fair. In reaching that conclusion, I've taken account of the poor service Mr C received from the debt collection company and of both companies at times not having made reasonable adjustments for him in the light of his disability. So I don't require Amex to pay any more compensation.

I can understand that having to wait for so long to find out whether his debt will be written off is causing Mr C unnecessary distress. Amex has told us it received the information it needs from Mr C's doctor in May 2016, and it's considering Mr C's request. If it hasn't made a decision already and told Mr C what that decision is, it should do so as soon as possible.

### **my final decision**

My final decision is that Amex has paid fair compensation to settle this complaint. If it hasn't made a decision already about whether or not it will write off the debt and told Mr C what that decision is, it should do so as soon as possible.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 15 July 2016.

Janet Millington  
**ombudsman**