

complaint

Miss S complains about Barclays Bank Plc handling of her accounts. She says it has mis-sold her products, applied charges unfairly and was wrong to pass her details and sell her debt onto a third party.

background

Miss S says that Barclays mis-sold her an account in October 2002. She also says that it has unfairly applied charges for using a personal reserve facility. In addition Miss S says Barclays should not have provided her details and then sold her debt onto a third party debt collection agency.

Barclays says that Miss S' complaint about the account from October 2002 is outside the jurisdiction of this service, because it is over six years since the event that Miss S is complaining about.

It also says that Miss S was fully informed of the charges that would be applied to her account for use of the personal reserve facility and that the facility was removed when the bank became aware of Miss S' financial difficulties and the fees associated with it were no longer applied.

In addition, Barclays says that it is entitled to pass Miss S' details, and also to sell her debt, to a third party debt collection agency.

Our adjudicator recommended that this complaint should not be upheld. He said that Barclays was correct that the complaint about the bank account from 2002 was outside of the jurisdiction of this service. And he was not persuaded that Barclays had made errors in the charges it had applied to Miss S' account and he considered it was entitled to pass Miss S' details, and sell her debt, to the third party.

Miss S did not agree with this outcome. In summary, she repeated the main points of her complaint and asked for an ombudsman to review the matter.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Miss S has made a number of detailed submissions to support the various elements of her complaint. My role is to make a final decision based on all of the evidence before me and in doing so I look at the complaint as a whole and focus on those elements that I consider to be material to the outcome.

I turn now to look at the three distinct aspects of this complaint.

Firstly, I agree with the assessment by both our adjudicator and Barclays that the mis-selling of the bank account in October 2002 that Miss S complains about is outside the jurisdiction of this service. This is because under our rules (Financial Conduct Authority's Dispute Resolution Rules) DISP 2.8.2 I could only consider this complaint if it was brought to this service within six years of the event complained of, or within three years from the date that Miss S became aware or ought to have been aware that she had a reason to complain.

In this case Miss S has brought her complaint more than six years after the event she is complaining about and more than three years since she was aware of it.

Secondly, I am satisfied that Barclays was entitled to charge Miss S the fees that she has complained about. I can see that once it became aware of her financial difficulties in December 2010 Barclays removed the reserve facility and they stopped applying the fees.

Finally, having considered Miss S' submissions, I am not persuaded that Barclays was not entitled to pass Miss S' details and sell her debt to the third party debt collection agency. Therefore I do not consider that it has made any error in doing so.

Miss S' strength of feeling is clear, and I realise she is likely to be disappointed by my decision. She is not bound to accept it; if she does not, she will be free to pursue the matter against the bank by other means – including in court – if she wishes.

my final decision

For the reasons I have set out above, my final decision is that I do not uphold this complaint.

Garry Hunter
ombudsman