

complaint

Ms U complains that Vanquis Bank Limited mis-sold her the Repayment Option Plan (ROP) on her account and caused her distress with continuous calls and texts.

background

In April 2014 Ms U approached her local Citizens Advice Rights (CAR) as she was extremely anxious about her Vanquis card account. She was concerned about charges on her card and particularly worried about the continual calls and texts. CAR discovered that Ms U had been paying for ROP on her account since its inception in 2007 and that this service was causing many of the text messages. Ms U says she knew nothing about the ROP.

Our adjudicator recommended that the complaint should be upheld in part. He was not satisfied that the ROP had been mis-sold but he didn't consider that Vanquis had responded sufficiently positively or sympathetically to Ms U's financial difficulties. He recommended that Vanquis should pay Ms U £75 for the distress this caused her. Vanquis responded to say it had not been told of Ms U's financial difficulties and her account was in good order.

my findings

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

Ms U had ROP included on her credit card account since she opened it in 2007. Vanquis has not been able to provide a recording of the call in which, it says, Ms U agreed to take ROP, but I don't think that's unreasonable given the passage of time. Vanquis has, however, provided a copy of the call script that would have been used at the time and, having read it, I think it is more likely than not that Ms U agreed to take ROP during that call. Therefore, much like the adjudicator, I cannot conclude that Ms U was mis-sold ROP.

However, by the time, Ms U visited CAR in April 2014, she was already very anxious about the continual calls and texts and the charges on her account. Ms U said she had asked Vanquis to stop the unwanted contact, but that it hadn't done so and she was now worried to turn on her phone. In fact, many of the texts were as a result of the ROP, but Vanquis failed to tell her that. In addition, CAR attempted to speak to Vanquis several times about the specifics of Ms U's case but found it very difficult to do so; it says calls were often transferred between departments, that Vanquis denied receiving correspondence that it later acknowledged and failed to return calls. Given Ms U's fragile mental state, as confirmed by her doctor, I consider this level of customer service would have caused Ms U additional anxiety. I agree that the adjudicator's recommendation of £75 for this is fair and reasonable.

my final decision

My decision is that I uphold this complaint in part. In settlement of this complaint I order Vanquis Bank Limited to pay Ms U £75 for the distress she was caused. Under the rules of the Financial Ombudsman Service, I am required to ask Ms U to accept or reject my decision before 20 February 2015.

Amanda Williams
ombudsman