

### **complaint**

Mr B complains that Vanquis Bank Limited unfairly defaulted his account while he was making regular monthly repayments.

### **our initial conclusions**

Vanquis Bank said the default on Mr B's credit file represented the breakdown of their financial relationship irrespective of any payment plan in place. But our adjudicator didn't agree with the bank – he upheld Mr B's complaint. And he's asked the bank to consider removing the default. Vanquis Bank doesn't agree it's acted incorrectly and declined to do this. So Mr B's complaint has been referred to me.

### **my final decision**

To decide what is fair and reasonable in this complaint, I have considered everything that Mr B and Vanquis Bank have provided. And I agree with our adjudicator.

It's clear that there were times when Vanquis Bank could quite properly have recorded a default on Mr B's account. And I've given careful consideration to the reasons it says it didn't do this.

I wouldn't object to Vanquis Bank deciding to record arrangement to pay markers on Mr B's credit file in these circumstances. But I don't find it's fair or reasonable that Vanquis Bank chose to record a default when Mr B had a successful payment arrangement in place. When the default was put on his account, he was making regular monthly payments and up to date with the payment arrangement.

**So my decision is that I uphold this complaint and I order Vanquis Bank Limited to remove the default it has applied on Mr B's account.**

**Under the rules of the Financial Ombudsman Service, I am required to ask Mr B either to accept or reject my decision before 10 August 2015.**

*Susan Webb*

*ombudsman at the Financial Ombudsman Service*

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

#### **ombudsman notes**

#### **what is a final decision?**

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

#### **what happens next?**

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.