

complaint

Miss F complains that she has been pursued by Vanquis Bank Limited for a debt which is not hers. She wants any adverse information to be removed and compensation for distress and inconvenience.

background

Miss F says that she was contacted by an agent of Vanquis who had been instructed to recover a debt from her. Miss F says she has never held any account with Vanquis. Despite the agent accepting that she had been incorrectly identified she says that Vanquis then instructed a different agent to pursue the debt. She also says that Vanquis has asked her to complete forms to suggest that she was a victim of identity fraud which is not correct.

Vanquis now accepts that a mistake was made by its agent in identifying Miss F as the account holder.

The adjudicator was of the opinion that Vanquis failed to investigate the matter in a timely and proper manner and this had caused Miss F a considerable amount of distress and inconvenience. He felt that Vanquis should pay Miss F £400 for distress and inconvenience and should assure Miss F that no information had been recorded on her credit file in relation to the debt. It should also provide written confirmation that it had made a mistake in associating the debt to Miss F and confirm that no further debt recovery action would be taken.

Vanquis has accepted the adjudicator's opinion. Miss F has not accepted as she feels the compensation is too low and wants £1,000.

my findings

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

I find that Vanquis ignored Miss F's claim that the debt was not hers and missed many opportunities to resolve this complaint.

Only during the adjudication process, eleven months after Miss F was initially contacted, did it accept that a mistake had been made.

Vanquis has also not fully cooperated with this service and did not supply a copy of its file and also failed to respond to the adjudicator on a number of occasions. This is most unfortunate and has further delayed the resolution of this matter.

I find that Miss F was caused distress and inconvenience by being incorrectly identified as the account holder. Vanquis added to this distress and inconvenience by not carrying out a proper investigation when it was initially informed of the mistake.

I agree with the adjudicator that Vanquis should pay Miss F the sum of £400. I understand that Miss F will be disappointed. However, this service is not a regulator and I do not have the powers to fine Vanquis or award punitive damages against it. My role is to determine individual disputes between a financial business and its customer, and award compensation

where appropriate. Having considered the general level of awards this service makes in this area, I assess a fair award is £400.

my final decision

My final decision is that I uphold this complaint. In full and final settlement of it, I order Vanquis Bank Limited to:

- Write to Miss F to confirm that Vanquis was incorrect to associate the debt with her. It should confirm to her that no information has been registered against her credit file about this debt – and, if it has, registered any information, it should remove it. It should also confirm to Miss F that no further debt recovery action will be taken and to apologise for the distress and inconvenience it caused.
- Pay Miss F £400 for distress and inconvenience.

Geraldine O'Donnell
ombudsman