

## **complaint**

Mr M complains on behalf of Leisure Attractions Limited, that GPUK LLP sold them a website card processing facility that wasn't suitable; it wasn't given options for accepting payments and has suffered a financial loss as a number of transactions weren't manually authorised.

Mr M is being assisted in this complaint by Mr C, the web developer.

## **background**

Leisure Attractions has been using GPUK payment facilities for a number of years. On 25 May 2016 it paid for an online payment facility to be provided. The merchant account for this was opened on 8 June 2016.

On 16 June 2016 GPUK sent Mr M welcome e-mails that contained access to all of the developer and user guides for the card processing facility. Mr C was authorised to set up that facility on behalf of Leisure Attractions. On 1 September 2016 the facility was set to live and the following day Mr C confirmed the successful launch of the facility. Monthly invoices were sent on the account following this.

In March 2017 a customer raised a query as the payment for Leisure Attractions hadn't debited their account. Leisure Attractions looked into this and realised that a number of transactions hadn't automatically settled, as it understood would happen. This was queried with GPUK who explained the facility had been set up to manually settle transactions which meant intervention was required before payments were authorised and settled.

Leisure Attractions complained about this to GPUK raising several issues, including that it had suffered a financial loss of many thousands. GPUK didn't uphold the complaint explaining the web developer had set payments to manually settle. Not happy with this Leisure Attractions referred the matter to this office. In particular it wasn't happy that:

- No correspondence was sent for them to complete the reporting registration and no reminder sent to say it was outstanding.
- Notification was sent to confirm that integration was complete and 'there was nothing they could see to be unhappy about'. Clear and complete guidance on the reporting system wasn't provided.
- Mr M should've been told how to register and activate the account.
- Service delivery wasn't completed as it wasn't provided with documentation, notifications or guides of how the reporting platform is operated.
- GPUK's staff didn't provide it help and it wasn't told that payments were settled automatically.

Our investigator didn't uphold the complaint. He was satisfied that GPUK had emailed the developer and user guides for the system and the system was set up by the developer not GPUK. He was satisfied that GPUK wouldn't have reported anything as being incorrect when the system went live as it had been set up with delayed settlement which is what GPUK saw.

Leisure Attractions has asked for the matter to be reviewed. In summary it's said:

- Mr M didn't receive the e-mail of 16 June 2016.

- The setting up of the reporting and reconciliation tools wasn't completed and the importance of this control panel wasn't highlighted. It's this registration process which has had a large impact on the business.
- Leisure Attractions doesn't feel it is wholly to blame and feel GPUK should take responsibility for this failed process, which it considers flawed.

### **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I'm not upholding this complaint. I explain why below.

Leisure Attractions employed a web developer to set up the payment facility for its website. So it was for the web developer to ensure the facility was set up in the way Leisure Attractions wanted. At the heart of this issue is whether they were provided with sufficient information about the operating system and its set up.

Two e-mails were sent on 16 June 2016. One contained the user guide for the web facility and reporting tool and it confirmed a separate e-mail had been sent about registration. The second was the e-mail about registration and the details the developer would need. This email included a link to the resource centre which contained the developer guides.

The user guide explains that payments can be set up for automatic settlement, which would automatically settle payments, or delayed settlement, where Leisure Attractions would need to manually settle transactions. And section 4 of the developer guide explains what programming needs to be completed for the settlement, part of which is set out below:

"AUTO\_SETTLE\_FLAG" value="1 or 0"

Section 4.4 explains value '1' means the transaction is automatically settled and '0' requires the merchant to use the control panel to manually settle the transaction. GPUK has confirmed the programme was written with value '0' which required manual settlement. I think the guide is clear in that either process can be programmed and I've seen nothing in this guide to suggest automatic settlement was a default position.

I'm satisfied GPUK provided sufficient information for Leisure Attractions and its web developer, such that they ought to have known the system didn't default to automatic settlement. As I'm satisfied GPUK provided sufficient information about the different settlements options, I don't think I could fairly find it at fault for the way the programme was ultimately written.

I'm also satisfied the information in the user guide provided information and guidance on how to use the control panel and how to settle transactions. And so by providing this information I think GPUK has done enough for Leisure Attractions to know how to use that. Mr C said Mr M didn't receive the e-mail of 16 June 2016. I'm not entirely sure whether it's just the e-mail with the user guide or the registration e-mail that Mr M didn't receive, or both. But I can see from the information they provided when asking us to look into the complaint, it contained a copy of an e-mail chain between themselves and GPUK. This has the registration e-mail from 16 June 2016 at the beginning of the chain, which I believe, shows it was received. In any event, in my experience correctly addressed e-mails are generally correctly received by the recipient. I haven't been provided with any persuasive evidence of

why Mr M wouldn't have received either or both of the e-mails sent by GPUK on 16 June 2016. On balance, I'm satisfied they were most likely received by Mr M.

Mr M and Mr C complain they weren't made aware of the importance of having a registered user for the control panel, and they weren't reminded of this. But GPUK has explained that Mr C is a registered user of the panel; this was required in order to complete the set-up of the facility and move it to a live environment. And I think the importance of using the control panel to settle transactions is evident from the user guide itself. If this was something Leisure Attractions was unable to do, it could've raised that with GPUK.

It seems to me that GPUK were on hand to help with the facility set up if the web developer or Leisure Attractions had any issues. And there would have been no reason for GPUK to raise any issue with transactions being conducted through the site, when the system went live, as I understand it saw what it expected to see to for transactions that needed manual settlement.

I do understand that Leisure Attractions has lost out financially as a result of the system being set up for delayed settlements. But I'm satisfied that sufficient information was provided by GPUK for the programming of the facility which clearly set out the different options for settling transactions. I don't think I could fairly find GPUK at fault if the programme was written to manually settle transactions instead of automatic settlement when both options were clearly available.

### **my final decision**

For the reasons given above, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Leisure Attractions Limited to accept or reject my decision before 26 February 2018.

Claire Hopkins  
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