

complaint

Mrs T complains about a letter from a collection agency and how queries about it were handled.

our initial conclusions

Our adjudicator did not recommend that this complaint be upheld. She did not consider that the collection agency's letter was misleading and could not say that Vanquis Bank Limited's staff had been rude or unprofessional to Mrs T. Mrs T disagreed saying that recordings of the calls she had with Vanquis Bank would have proved its staff had been rude and unprofessional and that this might be why Vanquis Bank had failed to produce the recordings. Mrs T also questioned why our adjudicator had set out the history of her loan as she did not consider this to be relevant.

my final decision

To decide what is fair and reasonable in this complaint, I have considered everything that Mrs T and the business have provided.

I have seen a copy of the letter the collection agency sent. Mrs T had been making reduced payments for two years before the letter was sent and was still having difficulties repaying her loan. The letter offered her an opportunity to settle the outstanding balance of her loan at a reduced rate, but only if she made a large one off payment or a series of much larger payments. I am satisfied that this letter, and the response Mrs T got when she called Vanquis Bank about it, antagonised Mrs T but do not agree that this was intended. Some consumers in Mrs T's position would have welcomed the opportunity to pay off their loan at a reduced rate, even if it might not be immediately obvious given their finances how they might take advantage of this. I have seen the steps Vanquis Bank took in an attempt to recover the recordings of the calls Mrs T made after she received the letter from the collection agency. It is unfortunate that these recordings have not been located but I cannot say, given everything else I have seen, that this aspect of Vanquis Bank's handling of Mrs T's complaint, or any other aspect, means I should award Mrs T compensation.

My final decision is that I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs T either to accept or reject my decision before 13 August 2013.

Nicolas Atkinson

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.