

complaint

Mr V complains that Bank of Scotland Plc ("BoS") has not treated him positively or sympathetically, pursuing him for repayment of a debt, when he was unwell. He also complains that they are seeking repayment of a credit card debt when he says he has never held a credit card.

background

Mr V was contacted by an agent of BoS for repayment of a credit card debt it said he owed. Mr V told the agent that he was receiving treatment for cancer, and asked that recovery activity be suspended until he was feeling better. However, the agent continued to contact him, and threatened legal action, which Mr V says put him under further stress.

Mr V also disputes that he has ever held a credit card with BoS. He has provided documentation relating to a loan for a boat, which he says was taken out with BoS. The bank has, in turn, provided evidence of an AA credit card account in Mr V's name, which was last active in September 2012.

The adjudicator recommended that the complaint should be upheld in part. He considered that the bank did not treat Mr V positively and sympathetically when he was ill, and recommended that it should pay £150 compensation for distress and inconvenience. The bank has agreed to this recommendation.

However, the adjudicator did consider it was most likely that Mr V did have a credit card account with bank, and does owe the debt. Mr V does not agree, and is adamant that he has never held a credit card with BoS.

my findings

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

BoS has admitted it should have treated Mr V with more sympathy when it learnt of his illness, and has agreed to pay £150 compensation for distress and inconvenience. The awards which this service recommends in such circumstances are generally modest, and I consider this offer to be fair and reasonable.

As regards the debt itself, I have carefully reviewed the evidence presented by both Mr V and the bank. Mr V has provided a credit agreement for a loan to purchase a boat, taken out in 2003. He says this is the debt which he owes BoS. BoS has said it conducted a thorough search of its records, and could find nothing relating to this loan.

For its part, BoS has provided copies of statements and correspondence relating to the AA credit card account. One of these includes a handwritten note, which is extremely similar in tone and appearance to other handwritten notes Mr V has made with in correspondence with this service and elsewhere.

Where the evidence is incomplete, inconclusive or contradictory (as some of it is here), I make my decision on the balance of probabilities – that is, what I consider is most likely to have happened, in light of the available evidence and the wider circumstances. Having done so, I consider the evidence presented by BoS does strongly indicate that Mr V does hold an

AA credit card account with BoS, which has an outstanding debt, and that BoS is entitled to seek repayment of that debt.

I appreciate Mr V feels very strongly that this is not the case, but I consider the evidence is strong enough for me to safely conclude that he does hold a credit card account with BoS.

my final decision

For the reasons set out above, my final decision is that I uphold this complaint in part. My decision is Bank of Scotland Plc should pay Mr V £150 compensation for distress and inconvenience.

Catherine Wolthuizen
ombudsman