

## **complaint**

Mr H has complained that NewDay Ltd sold his account while he was in a repayment plan.

## **background**

Mr H had a card with NewDay. But he's explained that because he was unable to work, he couldn't keep up the repayments. Because of that, he entered into a repayment plan. NewDay wrote to him to confirm the details. It explained it would let credit reference agencies know about it, and this might affect Mr H's ability to get credit in the future. It also explained that NewDay might sell the debt, but if it did, the repayment plan would be passed on.

On 17 July 2017, NewDay sold the account to a third party. Mr H feels this was unfair.

Our investigator looked at what had happened. But she thought NewDay had acted reasonably, and let Mr H know it would record details with the credit reference agencies, and may sell the account.

As Mr H disagreed, his complaint's been passed to me for my decision.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I'm very sorry that Mr H is in a position where he's unable to work. But I've needed to think about whether NewDay has treated him unfairly. I don't think it has. As Mr H wasn't able to keep up the minimum repayments, NewDay agreed to a repayment plan. I think this was a fair thing to do. And it explained what this meant – specifically, that information about it would be recorded with the credit reference agencies, and it may sell the account.

NewDay is obliged to record accurate account information with the credit reference agencies. As this is what it's done, I don't think it behaved incorrectly. And it also explained it may sell the account. It decided to do so, and I think this was a legitimate exercise of its commercial judgment.

So taking into account what's happened, I think NewDay has behaved reasonably.

## **my final decision**

For the reasons given above, it's my final decision not to uphold this complaint. I make no award against NewDay Ltd.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 22 January 2018.

Elspeth Wood  
**ombudsman**