

complaint

Miss K complains about charges NewDay Ltd, trading as Aqua has applied to her credit card account and how it's dealt with her following her financial and health difficulties.

background

Miss K says she paid £750 towards her Aqua credit card balance but it's not been cleared due to charges that have been incorrectly applied. She says that for the whole of 2017 Aqua had agreed that charges wouldn't be applied to her account and that she sent it details of her medical position in 2018 as well as in 2016. Miss K says she was told a payment in February 2018 of £50 would be taken off the balance but the full amount wasn't. And that overall she's been treated badly by Aqua.

Aqua says it's tried to help Miss K over the last few years. It says in 2016 it applied a block to the account which stopped some charges and interest and it took into account her medical position. It also says in late 2017 it agreed an arrangement with Miss K but she didn't keep to the terms of it. Aqua says it asked Miss K in 2018 for information about her medical position and didn't receive a response. But during that time placed a hold on interest and charges being applied. It says it's tried to help and support Miss K but sold her debt to a third party company in June 2018.

Miss K brought her complaint to us and our investigator thought Aqua had acted positively and sympathetically towards her. The investigator thought Aqua had placed a medical block on the account in 2018 and 2016 to help Miss K. But she hadn't provided it with any medical evidence in 2018 and so had acted fairly by removing it and making the decision to sell the debt.

Miss K didn't accept that view and said she had sent the medical information to Aqua. She also says she was told by it that charges and interest may appear on her account statements but she wouldn't have to pay them.

The investigator listened to the call about the £50 and thought that the £50 did come off the balance but there was a late payment fee of £12. She also thought that all payments appeared accounted for.

Miss K has asked that an ombudsman review that 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. Having done so I've come to the same overall conclusions as the investigator for largely the same reasons.

I've looked at Aqua's records over the last few years and listened to all of the available calls between the parties from 2017 to 2018. Having done I accept that this has been a difficult period of time for Miss K as far as her health and finances are concerned. In those circumstances I would expect a business to treat its customer both positively and sympathetically. And I'm satisfied that Aqua has done so here.

I can see that in 2016 Aqua fairly took account of Miss K's medical position and placed a block on the account which I think was designed to help her. I can see that Miss K asked for

that to be removed when she recovered. I'm also satisfied that Aqua took other steps to help Miss K's position at that time by refunding or not charging late payment fees.

I appreciate Miss K says that she believes her account was on hold for the whole of 2017 and that she shouldn't have been charged fees or interest. But having listened to the calls and looked at Aqua's records I find that wasn't the case. I'm satisfied that during the calls in the early part of 2017 Miss K was aware that charges are being applied and on one occasion accepts that she asked her daughter to make a payment which she didn't. I'm satisfied an agreement was reached in October 2017 but Miss K didn't keep to the terms of it which led to charges and interest being applied.

In March 2018 I can see that Aqua asked Miss K for a medical pack to be completed and returned to it. It stopped any interest and charges whilst it waited for it. I appreciate Miss K says she returned it and has proof of that but she hasn't provided that proof to us or given Aqua a copy of it. So I don't think Aqua acted unfairly in May 2018 by removing the medical block and making arrangements to sell the debt.

Overall I'm satisfied Aqua has tried to help and support Miss K. I've not seen any evidence that charges or interest have been incorrectly applied or payments haven't been used correctly. As Aqua no longer owns the debt I hope Miss K will approach the new company and try and agree any repayment.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss K to accept or reject my decision before 1 March 2019.

David Singh
ombudsman