

## **complaint**

Miss N complains about a default recorded on her credit file by Vanquis Bank Limited.

## **background**

In 2015 Miss N complained to Vanquis about interest and charges on her account. Vanquis issued a final response in November 2015. It said there hadn't been an error with the interest applied to Miss N's account or then minimum payment.

Miss N didn't receive the final response and stopped making payments on her account. The account fell into arrears as a result and a default was registered on her credit file.

Miss N complained to Vanquis in July 2016. She wanted the default removed and the balance written off. Vanquis removed the default and paid compensation of £100 to Miss N. It told Miss N that there was still a balance on her account which needed to be repaid.

Miss N wasn't happy with the compensation of £100 and complained further. Vanquis sent a further final response to Miss N in July 2016 confirming its earlier decision.

In November 2016 Vanquis contacted Miss N and advised her that she was required to make payments against the remaining balance. Vanquis has said that no payments were received from Miss N so the default was re-registered.

Miss N complained to Vanquis in 2018. Vanquis issued a final response advising Miss N that payments were required on the account. It increased its offer of compensation to £200 for poor customer service in failing to re-open her complaint sooner.

Miss N has said that she never agreed to accept the original compensation of £100 and that she had continued to complain about what she felt were discrepancies with the amount owed on her account. Miss N said Vanquis had never removed the default from her credit file despite promising to do so.

Miss N also said that she had continued to make payments to her account and that her concerns about her outstanding balance were never properly addressed by Vanquis.

Our investigator didn't uphold the complaint. She said that Vanquis had removed the original default in 2016 but that because Miss N hadn't made any payments to the account since September 2016, Vanquis was entitled to re-register the default.

Miss N didn't agree. She said that Vanquis hadn't removed the default in 2016 in a timely manner and that it had failed to respond to her emails when she complained about this. Miss N also said that Vanquis had failed to address her concerns regarding the balance on her account and said she had never been told that the offer of compensation had been increased to £200 and that she had never agreed to accept this. Miss N wants the default removed and the account shown as settled.

## **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've looked at the customer contact information provided by Vanquis and I can see that this complaint has been going on for some time. Initially Miss N complained about interest charges. Vanquis issued a final response to this complaint in 2016. It refunded some charges on the account, paid compensation of £100 and removed the default.

For reasons which aren't clear, Miss N didn't receive Vanquis's final response. She complained again but due to an administrative error Vanquis didn't re-open the complaint. During this time, the default was re-registered because no payments had been received on the account.

Miss N initially said to this service that the default hadn't been removed. She now says that it wasn't removed in a timely manner.

Based on the information I've seen, I'm satisfied that Vanquis removed the default in 2016. I understand why Miss N feels that the default should have been removed more quickly. A letter from Vanquis dated 28 July 2016 told Miss N that the credit reference agencies usually removed a default within 72 hours. I appreciate that the default wasn't removed this quickly, but the speed at which the credit reference agencies remove a default isn't something which Vanquis has any control over, so I can't fairly hold Vanquis responsible for any delay.

Miss N has said that she continued to make payments to her account. I've reviewed the statements of account but I can't see that Miss N made any payments at all between September 2016 and March 2017.

Vanquis is entitled to register a default if no payments are made for 3 consecutive months. I'm satisfied that no payments were made to Miss N's account for several consecutive months. Because of this, I'm unable to say that Vanquis has done anything wrong in re-registering the default. It did this in March 2017.

I'm satisfied that the default which was re-registered in March 2017 isn't the same default which was registered in June 2016. The default registered in June 2016 was removed following resolution of Miss N's complaint in July 2016.

Miss N wants the default removed and her account marked as settled. I can't see any reason to ask Vanquis to do this because on the available evidence, the default was registered correctly and the account still has an outstanding balance. An account can't be marked as settled until it's been paid.

For the reasons I've explained, I won't be asking Vanquis to do anything.

### **my final decision**

My final decision is that I do not uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss N to accept or reject my decision before 10 January 2019.

Emma Davy  
**ombudsman**