

## **complaint**

Mrs H's brother complains, on her behalf, that Vanquis Bank Limited hasn't taken any account of the vulnerability of his sister and has harassed her in its pursuit of a debt it says she owes.

## **background**

Mrs H's brother began dealing with her affairs and could see that Vanquis had added a number of charges to Mrs H's account over several years which he thought were excessive. He wrote to the bank several times and didn't get a satisfactory response.

Vanquis said it didn't have any documentation to show that Mrs H was a vulnerable person. It asked her brother to complete an authorised user form but he declined to do so. He said he'd already completed one form and had returned it to the bank. He was worried that if he completed this other form he would be taking over his sister's debt.

The adjudicator said we couldn't look at whether the charges and interest were unfair as long as they were applied in line with the bank's terms and conditions. And he was satisfied they had been. He could see that during a number of occasions, when Mrs H wasn't able to work, Vanquis had not applied any charges to her account so he thought it had acted positively and sympathetically towards her over those periods.

But he found that Vanquis should have done more to engage with Mrs H's brother to help her with her financial difficulties. The bank said it couldn't correspond with a third party without the appropriate authority. The adjudicator accepted this but he was satisfied the bank's handling of Mrs H's account since April 2016 had been poor. It hadn't explained to her brother that he needed to provide identification to process the authorised user form and it hadn't responded to his letters. If it had done that Mrs H wouldn't have been so distressed. So he thought the bank should pay her £250 compensation.

Mrs H's brother wasn't happy with this and thought there should be controls in place to protect vulnerable people. He believed that Vanquis should have stopped all the charges completely.

## **my findings**

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

The charges Vanquis applied to Mrs H's account were in line with its terms and conditions. Those charges reflect the cost of the extra administration involved when a payment is missed. So I can't find they were unfair or excessive even though Mrs H is a vulnerable person. But I can look at whether the bank was aware that Mrs H was facing financial difficulties due to her vulnerability and whether it was taking the right action.

I know Mrs H's brother will be disappointed with my decision but I agree with the adjudicator that up until her brother became involved Vanquis was acting positively and sympathetically to her problems for the reasons he gave in his opinion letter.

But once Mrs H's brother was involved with her financial affairs Vanquis was on notice that there was still a need to act positively and sympathetically particularly in light of the

information her brother gave them. Whilst I accept that without the appropriate authorisation form and supporting documents it couldn't disclose any confidential information about Mrs H's account but it should've made more effort to prevent further distress to her. It didn't explain to her brother that he needed to provide some identification with the authorised person form, it didn't reply to his letters, and when it wrote to Mrs H it referred to her brother as her husband. And so I think Vanquis should pay £250 compensation for the upset it's caused her.

The adjudicator has suggested that Mrs H's brother return the signed form to Vanquis with the required identify documentation and also provide some up to date evidence of his sister's vulnerability. Vanquis has confirmed that the form doesn't mean he will be taking over his sister's debt and if he can provide some evidence of his sister's circumstances it may help him to sort out her financial difficulties with her account.

### **my final decision**

My decision is to uphold this complaint.

In full and final settlement I require Vanquis Bank Limited to pay Mrs H £250 for the upset it's caused her.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 19 December 2016.

Linda Freestone  
**ombudsman**