

complaint

Mr T complains that Vanquis Bank Limited mis-sold him a Repayment Option Plan (ROP).

background

Mr T says that he applied for a Vanquis credit card in a shopping centre in 2006. He says that Vanquis added the ROP at the same time and without his knowledge. He wants all the related charges refunded.

Our adjudicator did not recommend that the complaint should be upheld. He found that the ROP had been added to Mr T's account when he phoned up to activate the card and he was satisfied that Mr T would have agreed to it.

Mr T responded to say, in summary, that the charges should be refunded because Vanquis had no signed agreement and no call recording. In addition he said a similar complaint with another bank had been upheld and that Vanquis had previously agreed to a refund.

my findings

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

I have seen Vanquis's records and although the account was opened on 10 August 2006, it was not activated until 28 August, the same day as the ROP was added. Therefore I am satisfied that the ROP was added during the activation call. I accept that Vanquis has not been able to provide a recording of the call but I do not consider that to be unreasonable given the passage of time. Where the evidence is incomplete, as is the case here, I must make my decision based on the balance of probabilities. Although the call recording is not available, I have seen the call script that Vanquis says it would have used and I consider it more likely than not that Mr T agreed to take out ROP during the activation call.

I acknowledge that Mr T says a similar complaint about another bank was upheld, but I have to consider each case on its individual merits.

I also acknowledge that Vanquis offered a refund to Mr T in 2012. However, this was unrelated to ROP and, therefore, has no bearing on this complaint.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr T to accept or reject my decision before 5 May 2015.

Amanda Williams
ombudsman