

complaint

Mrs A complains that Santander Consumer Credit Services Limited has not handled her section 75 claim properly.

background

I issued a provisional decision on 25 November 2013 about this complaint which concerns video that was copied onto DVDs by a third party. Mrs A complained that the third party had not done what she had asked and made a claim against Santander under section 75 of the Consumer Credit Act saying that the third party was in breach of contract. My provisional decision set out why I was minded to require Santander to pay Mrs A £35 by way of a partial refund plus £100 in recognition of the inconvenience its handling of her claim has caused.

In my provisional decision I said that I was satisfied that all of the requirements for a successful section 75 claim had been met in this case, despite Santander having argued otherwise. I also said, however, that I was satisfied that Mrs A ought not get to a full refund for the DVDs that were purchased using her credit card as they were useable even though they were not quite to the standard she had hoped. I considered a 25% refund to be appropriate given the circumstances of the case and the approach we take to these types of cases. Finally I said that I was satisfied Santander could have handled Mrs A's section 75 claim much better and that an award of compensation for the inconvenience she had been put to bringing her claim was appropriate. I considered an award of £100 to be right.

Both parties were invited to comment on my provisional decision but only Santander did so. Santander agreed with my provisional decision and the awards I was minded to make.

my findings

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

Neither party has given me any reason to depart from the conclusions set out in my provisional decision. Having considered all the material a final time, I remain of the view that the award I was minded to make is the appropriate one in this case. I am, therefore, going to require Santander to pay Mrs A £35 by way of a partial refund and a further £100 in compensation for the inconvenience she has been put to bringing her claim.

my final decision

My final decision is that I am requiring Santander Consumer Credit Services Limited to pay Mrs A:

- £35 by way of a partial refund; and
- £100 in recognition of the inconvenience its handling of her claim has caused.

Nicolas Atkinson
ombudsman