

complaint

Mrs R complains about Yorkshire Building Society's (YBS) mismanagement of her complaint about her Guaranteed Investment Account (GIA).

background

YBS rejected her complaint.

In her complaint to this service, Mrs R provided a timeline of her contacts with YBS, saying it had repeatedly failed to respond to her requests. She also said it had questioned her honesty and integrity concerning the subject of one phone call. According to Mrs R:

- She wrote to YBS on 9 August 2014, complaining about the maturity value of her GIA
- YBS rang her on 18 August, and told her it had reviewed her investment, and was offering redress based on a 3.33% growth in her capital
- She asked for this offer in writing – this has never been provided
- She went to her local branch on 26 August to seek clarification and confirmation of this offer – an advisor couldn't provide this but promised to call her with this information – nothing happened
- Having had no contact throughout September, she went back to the branch in mid-October where she was told the person dealing with her query had left
- He then promised to investigate and she specifically asked him not to call her at work, and that she'd pop back in the following day
- An advisor rang her at work that afternoon – he was patronising and implied she must have been confused about the nature of the phone call
- She wrote to YBS's head office on 18 October
- YBS sent her a Final Response Letter (FRL) on 21 October, rejecting her complaint about the GIA
- This letter also said someone had listened to the phone call, and Mrs R had said she was happy to close the complaint
- She wrote back to the head office on 25 October, questioning why the compensation hadn't been referred to, and asking for a transcript of the phone call – she asked YBS to respond by letter only/do not phone her at work
- YBS rang her on 5 November, and said it would cost her £10 if she wanted a transcript of the call

An adjudicator at this service listened to the disputed call and felt the advisor seemed to be responding to the complaint Mrs R had made about the GIA. He also said the representative referred to a redress letter which Mrs R had not received, and this led Mrs R to believe she

was being offered redress arising from her complaint about the GIA. It was on this basis that she agreed to her complaint being closed.

The adjudicator thought Mrs R had been misled to believe she was due compensation, and that this caused her unnecessary distress and inconvenience. He proposed the business offer Mrs R £100 compensation.

The business didn't agree, and said its staff member referred to the PCA and specifically that the redress was for this product. It said Mrs R would be receiving a letter outlining the details of this redress.

Mrs R said if the call related to the PCA, then why did the advisor say the call was in response to a letter she'd written when she'd not referred to the PCA in her complaint letter. And why was the person calling at all, if not in relation to her complaint,

As no agreement has been reached, this complaint has been passed to me for review.

my findings

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

In this case, I agree with the adjudicator and for substantially the same reason.

I acknowledge the advisor refers to the PCA product name on several occasions, yet she also repeatedly says she is responding to Mrs R's complaint ('I have been looking into that complaint').

Mrs R had only complained about her GIA investment so it was inevitable that she would have been confused by this conversation. The advisor also refers, again on several occasions, to a letter detailing the compensation proposed, despite Mrs R repeating that she has not received such a letter.

In my view, the advisor failed to communicate clearly throughout the conversation. In particular her attempt to refer to the details about various growth rate projections, about which she admitted she didn't have all the facts, was completely inappropriate in an unsolicited call.

In my view, I feel it's entirely understandable that Mrs R felt this call was about the complaint she had made, and this is why she agreed it should be closed.

If YBS insists this call solely concerned the PCA investment, this means it took over 10 weeks to respond to her complaint, several weeks beyond the agreed time limit for dealing with complaints.

From the evidence I've seen, it also failed to respond promptly and appropriately to Mrs R's numerous requests for information, and seemed to ignore her wish not to be called at work.

Given the available evidence, I am unable to take a view about whether advisors were patronising, but from what I've seen, I'm satisfied that YBS's customer service fell far below what Mrs R had a right to expect.

my final decision

For these reasons, I instruct Yorkshire Building Society to pay Mrs R £250 in compensation for the trouble and inconvenience caused by its poor handling of her complaint and requests for information.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs R to accept or reject my decision before 4 January 2016.

Tony Moss
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