

complaint

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

our initial conclusions

Our adjudicator did not recommend that the complaint should be upheld. He acknowledged that a call recording was unavailable, but was satisfied that the sales script gave full details of the ROP, including describing it as optional.

A Claims Management Company (CMC), on behalf of Mr N, responded to say, in summary, that without a call recording, it could not be guaranteed that the sales script was followed.

my final decision

To decide what is fair and reasonable in this complaint, I have considered everything that Mr N and Vanquis Bank Limited have provided.

The ROP enabled Mr N to freeze his repayments should he have experienced certain financial difficulties. As it is not an insurance product, Vanquis did not have to ensure its suitability. However, I can consider whether it was mis-sold to Mr N.

Unfortunately, the relevant call recording is unavailable and Mr N says that he cannot remember how it was sold. I have seen the sales script though and, much like the adjudicator, I am satisfied that the script gives full details of the ROP, makes clear that it is optional and gives examples of the circumstances in which it can be used. Mr N's monthly statements also itemised the cost.

I accept that the CMC says that, in the absence of the call, there is no proof that the script was followed. However, I find it more likely than not that the script was used and, with no evidence to the contrary, I cannot safely conclude that the ROP was mis-sold.

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr N either to accept or reject my decision before 24 February 2014.

Amanda Williams

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.