

complaint

Ms H complains Barclays Bank Plc (trading as Barclaycard) offset a credit card debt and then deleted the credit card account, proving it never existed. Ms H wants the bank to refund over £3,200 that it previously offset.

Ms H has a number of other concerns about the way Barclays has treated her.

background

Ms H has raised various complaints with Barclaycard over a number of years. When she came to this service, an adjudicator asked Ms H to set out which complaints she still wanted the bank to give her answers on. She told us her main concerns are as follows:

- Barclaycard never gave her advance notice of its plan to exercise its right to set-off (RTSO) her credit card debts against her bank accounts
- Barclaycard has failed to give her information about when she opened seven different accounts that it then sent to multiple debt collectors
- An account is in her name that she never applied for and for which she never received a credit card

The adjudicator didn't recommend that Ms H's complaint be upheld. He said Ms H has a total of three Barclaycard accounts. He suggested the confusion may have arisen because Ms H had been given a combination of card numbers and account numbers.

The adjudicator explained Barclaycard can't give her information about one of the accounts she referred to as it isn't a Barclaycard account. The adjudicator said if Ms H needed more information about the other account she says she didn't apply for, she will need to make a subject access request. The adjudicator didn't think Barclaycard made a mistake when it used the RTSO.

Ms H disagreed with our adjudicator's recommendation. She says we've not given her account opening and closing dates. Ms H says we've not dealt with the part of her complaint that relates to debt collectors visiting her home with incomplete or incorrect account numbers that Barclaycard can't in turn find any information for. Ms H says she wants to know about the account she says she didn't open.

Ms H says that the Barclaycard account that was offset, was migrated from another lender. This means there can't have been an offset agreement with Barclays. And she's unhappy that Barclays has deleted the account before her complaint has been resolved.

The adjudicator replied to Ms H to explain why she might not have recognised one of the accounts. He said the original lender had transferred accounts to another lender before Barclaycard took them over. He also explained that Barclaycard hasn't deleted one of the accounts. Instead, it is no longer reporting it to the credit reference agencies as the balance has been reduced to nil.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I agree with the conclusions of our adjudicator. I'm sorry that this is likely to disappoint Ms H.

RTSO

I'm satisfied Barclaycard had the RTSO Ms H's outstanding credit debts against other money in accounts she held with Barclays. Ms H says that as one of the credit card accounts was migrated to Barclaycard from another lender, it didn't have the RTSO. I don't agree with this as when the account transferred to Barclaycard in about 2008, it became subject to the terms set down by Barclaycard – including the RTSO.

Barclaycard has given us evidence that it transferred money from a savings account Ms H held with Barclays to one of her current accounts. It then used that money towards the credit card balance.

I appreciate Barclaycard hasn't given us evidence that it gave Ms H advance warning of its intention to exercise the RTSO. Ms H is unhappy about this and I can understand why. But it doesn't mean that I must require the bank to refund the money it took.

I'm satisfied Barclaycard asked Ms H to repay the debts before it used the RTSO. And at the time Barclaycard exercised the right, the current banking code regime wasn't in place. This code currently says a lender should give the customer 14 days warning before exercising the RTSO. I can't reasonably hold Barclaycard to this standard if it wasn't in place at the time.

I'm also not persuaded that Ms H would've done anything differently if she'd known in advance that the bank was going to use the RTSO. It gave her the opportunity to make up the arrears on the accounts beforehand but Ms H hadn't done this.

several Barclaycard accounts

The adjudicator told Ms H that Barclaycard only has a record of three Barclaycard accounts. Ms H wants to know when these were opened so I've sent her this information separately to avoid identifying the accounts in my decision.

As Ms H didn't keep up with her repayments, Barclaycard sold two of the accounts to a debt collection company and kept the third in house. Barclaycard explains Ms H will need to speak to the debt collection company about the outstanding balances for two of the accounts – I consider this reasonable.

Barclaycard has already explained in a previous final response that the debt collectors might have given her different outstanding balances as they will have applied interest to her accounts.

Before we became involved, Barclaycard apologised that it continued to report an outstanding balance on the account it kept in house after it exercised the RTSO. Barclaycard recognises that this might have had an impact on Ms H's credit file so paid her a total of £600 to apologise and reduced the balance to nil. I consider this fair and reasonable.

account not applied for

Ms H says Barclaycard opened an account she didn't apply for and hasn't received a card for the account. The adjudicator explained that one of Ms H's accounts was migrated to Barclaycard from another lender. And that, over time, the other lender migrated accounts before coming to Barclaycard.

Barclaycard reduced the outstanding balance to nil on this migrated card as part of the resolution of Ms H's earlier complaint. I hope that this explains matters for Ms H.

Ms H already requested and received information about the migrated account back in 2008. The adjudicator has said that if Ms H wants any additional information, she will need to make a subject access request. I leave it with Ms H to do this if she needs to know more than we and the bank have already told her.

my final decision

My decision is that I don't uphold this complaint in the sense that Barclaycard has already done enough.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms H to accept or reject my decision before 7 August 2017.

Gemma Bowen
ombudsman