

complaint

Mr D complains that Vanquis Bank Limited have harassed him with excessive phone calls about his credit card account. Also, they wrongly transferred his debt to a third party debt collection agency.

background

In 2016 Mr D experienced some financial difficulties and missed a couple of his monthly repayments. So he approached Vanquis to agree upon a repayment arrangement.

He complains that subsequently Vanquis have called him up to 20 times a day to chase him, which he feels isn't acceptable. Vanquis agreed to block telephone calls to Mr D in January 2017 and no calls have been made since then.

In April 2017 Mr D discussed his financial circumstances with Vanquis and a new repayment arrangement was put in place. Subsequently, and in error, Vanquis did transfer his account to an external debt collection agency. But they realised their mistake and arranged for the account to be passed back. Vanquis apologised to Mr D and paid him £25 for the inconvenience that he'd suffered.

Our investigator didn't feel that the phone calls made by Vanquis constituted harassment and that, having resolved the associated complaint about the debt collection agency, Vanquis hadn't done anything else wrong. Mr D doesn't agree and so the complaint has been passed to me for a decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I've listened carefully to recordings of Mr D's telephone calls, both with Vanquis and with this service, to understand the crux of his complaint.

The main element of Mr D's complaint is that Vanquis hounded him with telephone calls. He felt that he'd been called up to 20 times a day, and that Vanquis had been ringing from 7.30am and as late as 9.30pm. He considers this to amount to harassment. Also Mr D is upset that the calls received are from a different, unidentifiable numbers using differing regional dialling codes. He's concerned that Vanquis did this to disguise who the calls were from.

I've reviewed the call log from Vanquis in detail alongside statements of Mr D's card account to establish whether the volume of calls was excessive and constituted harassment. Guidance from Ofcom states that lenders should avoid contacting debtors at unreasonable times or at unreasonable intervals.

Vanquis say their policy is to make courtesy calls to customers who are either late in making payments or are over their agreed limit. They use an automated dialler system that will try to connect with registered customers' phone numbers; if the call isn't answered it will re-try up to a maximum of three times in any day to each number.

time of calls

The call log shows that the earliest call was around 8.30am and the latest was a little before 8pm. The vast majority were within normal working hours and were made only to either Mr D's home or mobile numbers. I don't feel that this implies Vanquis have called at particularly unreasonable times.

volume of calls

The call log shows a total of 119 calls across the ten months to January 2017.

I can see that the calls generally coincided with occasions where his payments were late or he was over his agreed limit. Occasionally there were calls made on consecutive days, but never more than six in any one day (three to each of his two numbers).

Between August and December, when Mr D's account was not in order, Vanquis tried to call him around 50 times. But their records show they received no contact from him in response. I think that this absence of communication from Mr D to Vanquis throughout this period was the key factor that drove the high volume of attempted calls.

In these circumstances I don't consider the number of attempted calls to be unreasonable.

dialling numbers and codes

Vanquis have confirmed that this is a calling technique that they employ to increase their contact rate to help them to assist their cardholders. They say that their efforts to speak with Mr D were to enable them to understand his financial situation and discuss the various options available to address the account.

I'm sorry that Mr D has been experiencing financial difficulties and it's clear from his calls that he found the frequency of calls from Vanquis to be really stressful. He's told us that he suffers from depression and the volume of calls he received has added to his worries.

I do share Mr D's view that the number of calls made to him was high, and understand how this could be stressful to him. But I can't fairly say that they were excessive, or constituted harassment, because:

- (1) Vanquis were quite entitled to contact Mr D as his account with them was out of order. But he chose not to answer, or reply to, them for a long period of time;
- (2) Vanquis had also been writing to Mr D and so I think it's quite likely that, despite the differing dialling numbers and codes, he would've known that the calls were from them;
- (3) the subsequent actions of Vanquis have been positive and supportive, which underlines their suggestion that the calls were intended to offer assistance.

I do think that the actions Vanquis have taken since he raised his complaint with them demonstrate that they've been looking to find a mutually acceptable solution to Mr D's financial difficulties. They've put a stop on telephone calls to Mr D after he complained to them about this in December. And they've also agreed a new repayment plan with him after having a discussion about his financial situation in April. In all these circumstances I don't think that Vanquis have done anything wrong.

my final decision

For the reasons outlined above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 29 August 2017.

Richard France
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