

## **complaint**

Miss Q complains that WorldPay (UK) Limited has unfairly asked her to pay arrears that she had not realised had accrued.

## **background**

Miss Q had a merchant facility with WorldPay for her business. WorldPay says that, after initially collecting the monthly charges under a direct debit from Miss Q's bank account, the direct debit mandate then stopped and unpaid charges accrued over time.

Miss Q says that she did not realise, at the time, that there was a problem with the direct debit and WorldPay did not tell her. She was subsequently contacted by collection agents on behalf of WorldPay and asked to pay the arrears in full. Miss Q says her business is now considerably scaled-down, and she does not feel it is fair for WorldPay to now expect her to pay all the accrued charges.

As things were not settled between Miss Q and WorldPay, Miss Q brought her complaint to this service where an adjudicator investigated it.

WorldPay said that it was willing to reduce Miss Q's debt by £100 and agree a repayment plan. From the evidence, the adjudicator considered that the offer WorldPay had made represented a fair settlement of the complaint. Miss Q did not agree with the adjudicator's conclusions and said, in summary:

- She does not dispute what she owes, but the problem is that her business now turns over a fraction of what it did before and asking her to pay all this will push her into hardship.
- WorldPay should have contacted her before, if it wanted her to pay this amount.

## **my findings**

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

Because of the time that has elapsed it is not possible to discover, with any certainty, the reason why the direct debit for Miss Q's monthly payments stopped. WorldPay accepts that it was a long time before it made any approach to Miss Q to ask her to pay the debt that built up once the monthly payments stopped, and that it should have made contact sooner.

Equally, though, Miss Q does not seem to have taken any action to approach WorldPay in relation to payment for her facility, which was still in place. The result of the lack of contact on the part of both parties is that a debt built up gradually.

WorldPay has offered to reduce that debt by £100, which represents a significant proportion of the overall debt. It has also confirmed that it is willing to agree a repayment plan and so is not expecting Miss Q to come up with the remainder of the money all at once.

In all the circumstances, I find that this represents a fair settlement of the complaint and takes reasonable account of Miss Q's changed financial circumstances. I do not consider that WorldPay must do more.

**my final decision**

My final decision is that I uphold this complaint in part and direct WorldPay (UK) Limited to:

- reduce Miss Q's debt by £100; and
- engage with Miss Q to arrive at a repayment plan acceptable to both parties, in respect of the remainder of the debt.

Under the rules of the Financial Ombudsman Service, I am required to ask Miss Q to accept or reject my decision before 27 April 2015.

Jane Hingston  
**ombudsman**