

complaint

Mr H complains about the amount Bank of Scotland plc (BOS) says he owes on a credit card and that it won't mediate with him on the repayment of the debt.

background

Mr H had a credit card issued by BOS under one of its trading names. Ultimately, BOS is responsible for this complaint so I will refer to it throughout.

He fell into arrears on the payments to the card and, ultimately, the debt was sold on to another company.

Mr H raised a complaint with BOS in 2013 disputing the amount he owed, saying that he thought the debt should have been cleared by the repayments he'd made. He also wanted to negotiate a settlement to repay the remaining debt.

BOS issued a final response in September 2013 confirming the amount owed and reminding Mr H it had refunded some interest and stopped any further charges in 2008. It also said it wasn't in a position to discuss the debt further as a firm of debt collectors were now dealing with it.

More recently, in October 2018, Mr H complained again to BOS along similar lines to his previous complaint. He said, in summary, he thought the account should be closed as he'd paid in more than he'd spent and he wanted to negotiate over the outstanding balance.

BOS sent a final response on 25 October 2018 saying it had sold his outstanding debt to a third party business in June 2015 and so it wasn't able to mediate or discuss repayment of the debt. Mr H needed to talk to the new owner of the debt to do this.

Mr H wasn't happy with this and brought his complaint to us. Our investigator said she couldn't look at Mr H's concerns about the amount he owed as he'd complained too late. She also said she didn't expect BOS to do anything more regarding mediating the debt as it no longer had any connection with his account. Mr H asked an ombudsman to make 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. Having done so, I've reached the same conclusion as the investigator, for broadly the same reasons. I know Mr H will be disappointed so I'd like to explain my reasoning.

I'll deal with the two aspects of the complaint in turn

what Mr H owed BOS

The Financial Ombudsman Service (and those who use our service) is bound by the time limits set out in our rules. The limit relevant to this case says that a complaint has to be referred to us within six months of the date the business complained about issues its final response. If a complaint is made later than that, we can only consider it if the business

complained about agrees - Santander hasn't - or if there are exceptional circumstances which would explain the delay.

BOS issued its final response to Mr H's complaint about how much money he owed it in September 2013 and Mr H first raised the complaint with us in May 2016. That's clearly more than six months after BOS issued its final response, so the complaint's been made too late.

Mr H hasn't asked us to consider any exceptional circumstances which prevented him complaining in time.

In summary, I've concluded I don't have the power to consider this part of Mr H's complaint.

BOS refusing to mediate on the debt

Mr H isn't happy BOS won't mediate on the repayment of the remaining debt. BOS explained, in its final response in October 2018, it sold the debt to a third party company in 2015. Because of this, it no longer has any control over it. It's rightly told Mr H that he needs to get in contact with the current debt owner to discuss any proposals he may have about how he'll repay what he owes it.

For the reasons I've explained, I'm satisfied BOS hasn't acted unreasonably in not mediating with Mr H so I won't be asking it to do any more.

my final decision

In summary, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 11 January 2019.

Paul Phillips
ombudsman