

complaint

Ms B complains that Vanquis Bank Limited ("Vanquis") didn't freeze interest and charges on her credit card account when she asked them to.

background

In March 2012 Ms B contacted Vanquis to ask them to freeze her account following a recent bereavement. Vanquis say they received such a call and sent forms for Ms B to complete. Ms B says the forms didn't arrive and she made numerous phone calls to the bank to chase this up. Vanquis say there was no further contact from Ms B.

No further payments were made on the account. In April 2013 Vanquis passed the debt to a Debt Collection Agency ("DCA").

Ms B asks that the debt be recalled from the DCA, and the balance reduced to the amount she owed in March 2012 when she first got in touch with Vanquis. Also Ms B asks for the missing payment entries on her credit file, which relate to this period of time, to be removed.

Our adjudicator found there was no evidence to show the bank's original letter wasn't sent or that further attempts had been made by Ms B to contact the bank. The adjudicator felt they couldn't say the bank had acted incorrectly by taking the action it did. So they didn't uphold the complaint.

Ms B disagreed and said she'd get phone records from that time to show she'd been in contact. The matter has now come 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. Having done so, I agree with the conclusion reached by the adjudicator and for broadly the same reasons.

I'm very sorry to hear of Ms B's loss. I can appreciate the time surrounding the bereavement was very difficult for Ms B and the memories of it will remain painful for her. Ms B described the time following her loss as going into "a dark hole". So I'm mindful that it may be difficult for her to remember exactly what happened then.

I'm not sure if Ms B contacted the bank because she was in general financial difficulties at the time or if it was just an attempt to activate a Repayment Option Plan ("ROP") which Vanquis tell us was on her account. The ROP is a "debt freeze" plan paid for monthly by the customer for use if they experience difficult financial circumstances. But I don't think it matters which it was.

Generally banks should try and help customers when they find themselves in financial difficulties. But this doesn't mean they *have* to freeze an account or refund charges. Both Ms B and Vanquis told us the bank responded by saying they would send a letter with a form for Ms B to fill in detailing her financial situation. So, either way, the bank's letter with a request for further financial information seems, to me, to be a reasonable response.

Vanquis have sent us their contact notes which show a record of letters being sent to Ms B, largely on a monthly basis, between late 2011 and September 2013. I haven't seen the letters so don't know the content but I can see all the letters except the one sent at the end

of March 2012 have the same internal description and code. The bank has no record of Ms B responding to these letters other than the phone call in March 2012. Ms B says she didn't get the letter following the March 2012 phone call or any later ones and she felt such a letter should've been sent by recorded delivery. But I don't think a bank can be reasonably expected to check a customer has received all of its communications.

Ultimately Ms B is responsible under the terms and conditions of the account to make her minimum payment each month and she didn't do that. Ms B hasn't told us whether she still received monthly statements for the account from March 2012. But from what she's said she seemed to be aware that charges continued to increase on the account. And I've seen nothing to suggest she didn't get statements as she should.

Ms B told us she phoned the bank numerous times as she hadn't heard anything after the phone call in March 2012. So I think it's likely Ms B understood she needed to do something over and above that first phone call to ensure the account was frozen. I can see Ms B has gone to some effort to get her phone records but unfortunately they aren't available anymore. Without these I can't be sure she called as often as she said she did and the bank's notes don't show it had all the conversations Ms B suggests.

I've thought very carefully about everything that I've seen. And I can't fairly conclude from the information Ms B has given that Vanquis have done anything wrong here so I don't require them to do anything further.

I note a county court judgement has been obtained in this matter and I would encourage Ms B to liaise with the DCA to prevent the situation worsening.

my final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms B to accept or reject my decision before 11 September 2015.

Annabel O'Sullivan
ombudsman