

complaint

Mr D is unhappy because Vanquis Bank Limited won't remove some missed payment markers from his credit file.

background

In late-2015 Mr D complained to us about three payments (totalling £482) made using his credit card account which he didn't recognise. Mr D didn't think he should have to repay any of the money because the payments had been made fraudulently.

On 5 February this year an ombudsman issued a final decision on Mr D's complaint. The ombudsman didn't think Vanquis should write off the debt relating to the payments. But she told Vanquis to pay Mr D £100 compensation because they'd given him incorrect information while dealing with his fraud claim.

Mr D didn't accept the ombudsman's decision straightaway, but got in touch with us in April – after the deadline for accepting the decision had passed – to see if the £100 was still available. He also asked us to find out why a refund hadn't been applied to his credit card. He'd taken some of the goods back to the store in March 2016, so £275 should have been refunded.

Vanquis found the money and applied it to Mr D's account in June – it'd gone astray because it was refunded under an old credit card number. Vanquis accepted it shouldn't have taken so long to add the money to Mr D's account so refunded two late payment charges worth £24 and some interest.

Our investigator thought Vanquis had done enough to put things right but Mr D doesn't agree. In particular he wants the late/missed payments markers removing from his credit file. And he thinks the £100 compensation should've been applied to his credit card account.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

As a final decision has already been made relating to the original payments Mr D disputed I can only look at what happened since the date of that decision. And, having done so, I don't think Vanquis needs to do anything else. I say that because:

- Vanquis has accepted it should have applied the £275 refund to Mr D's account sooner. As a result it's already refunded the late payment fees charged on the April and May statements as well as some credit card interest. That seems quite generous. Mr D wouldn't have been charged so much interest if the refund had been applied in good time. But he'd still have incurred late payment fees because a refund doesn't generally count as a repayment, and he didn't make any repayments after 2 February until 21 June.
- Statements were issued each month setting out the minimum amount that needed to be paid and by what date. The account had been open for some time and I can see Mr D often cleared the entire balance each month, sometimes before the statement had been issued. He also owed over £400 – quite a lot more than the amount of the missing refund

- on his credit card between February and June 2016. So I think Mr D should have realised he needed to pay at least the minimum monthly repayment each month. And making the minimum repayments wouldn't have repaid what he really did owe, so he wouldn't have lost out financially by making the required repayments. As Mr D didn't make the necessary repayments, I don't think it was wrong to apply charges to the account and report the missed payments to the credit reference agencies.
- I can see from Vanquis' contact notes that Mr D has been in touch with them at times. But it doesn't look like he was in regular contact, as he suggests, to discuss the fact they were asking him to pay too much each month because neither the £275 refund nor the £100 compensation had been applied to his account. In any event, as I've already said, he owed more than £375 so should really have made some sort of payment.
- Vanquis tells us they sent Mr D the £100 cheque promptly after receiving his settlement form. I see no reason to doubt that. The cheque seems to have got lost in the post and I can't fairly hold Vanquis responsible for this. Once we told Vanquis this, it resent the cheque promptly and I've seen nothing to suggest that Mr D hasn't since received it. Mr D says he thought the money would be applied to his credit card account but Vanquis said it doesn't tend to do this. That's because the £100 was compensation for Mr D rather than any sort of debt write off, so they didn't think it would be right to apply it to his account. That seems fair to me and I can't see that anyone told Mr D that the money *would* be applied to his account.

my final decision

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 8 December 2016.

Ruth Hersey
ombudsman