

### **complaint**

Mr R complains that he never agreed to the Repayment Option Plan (ROP) on his account and asks for all premiums, plus interest, to be refunded.

### **our initial conclusions**

Our adjudicator did not recommend that the complaint should be upheld. He said that the terms and conditions given to Mr R explained the cost and the optional nature of the ROP, as did the sales script that was used on the card acceptance call.

Mr R disagreed, saying he wanted proof that he took out the ROP.

### **my final decision**

To decide what is fair and reasonable in this complaint, I have considered everything that Mr R and Vanquis have provided.

I am satisfied that both the terms and conditions and the sales script are clear about what the ROP is, the fact it is optional and how the cost of it is calculated based on the accountholder's outstanding balance. The charge was itemised on Mr R's statement every month from account opening, and I have found no evidence that it was queried or disputed for over two years.

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

**Under the rules of the Financial Ombudsman Service, I am required to ask Mr R either to accept or reject my decision before 23 May 2013.**

*Rebecca Connelley*

*ombudsman at the Financial Ombudsman Service*

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

#### **ombudsman notes**

#### **what is a final decision?**

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

#### **what happens next?**

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.