

complaint

Mr M feels that Creation Financial Services Limited has treated him unfairly in the way it dealt with him when he was late in making a payment to his credit account.

background

Mr M's statement was dated in early November 2018 and was due three weeks later. Mr M missed the payment date so was charged a late fee. Mr M tried to pay online but couldn't. He then started receiving calls from Creation chasing him for the arrears due on his account. So Mr M complained.

Creation explained he owed the money and it was entitled to contact him about it. It explained when accounts fell into arrears it would try to talk to those account holders and that's why Mr M couldn't pay online. Mr M didn't think that was fair so he complained to this service.

The investigator did not agree with Mr M and said Creation's response was reasonable. As Mr M remains unhappy his complaint has been passed to me for a decision.

my findings

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

Having considered the entirety of the matter I do not think this complaint should be upheld. I say this for the following reasons which I see as key to this complaint.

Mr M has an agreement with Creation which has certain criteria to it. This includes late fees and that it can contact him if it considers that appropriate. I can see Mr M did pay some money towards the outstanding amount but not enough to clear the arrears. And that his account stayed in arrears for some time.

Mr M says Creation kept calling him and that is unfair. But he did owe them money under the agreement they had. And Creation has explained that the calls purpose is to arrange getting things back on track and that if Mr M engages with those calls and a plan is agreed Creation would stop contacting him. Creation has pointed to the rules regarding contacting account holders and Mr M hasn't shown that it has broken those rules.

Mr M says it's unfair that for those who are in arrears Creation stops them being able to pay online. But Creation explains that it does this in order to be able to talk to its customers about their situation so that something mutually agreeable can be decided to help the situation.

If Mr M is suffering financial difficulties he should tell Creation and ask for its help. It's obliged to treat his situation positively and sympathetically if he shows it that he's in such difficulty.

Creation is entitled to run its business in the manner it sees fit and as such it is entitled to contact Mr M in order to arrange for him to pay it what it owes it.

I can appreciate Mr M's frustration at receiving calls about the money he owed Creation, but it is entitled to do this and will do so in future if Mr M doesn't engage with it about his account when he's in arrears.

I appreciate this isn't the decision that Mr M wants to hear. But I think that Creation hasn't done anything wrong. Consequently I do not uphold this complaint.

my final decision

For the reasons set out above, I do not uphold the complaint against Creation Financial Services Limited.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr M to accept or reject my decision before 2 November 2019.

Rod Glyn-Thomas
ombudsman