

## **complaint**

Mr C complains that Vanquis Bank Limited continued to contact him when he made them aware he had entered into an individual voluntary arrangement (IVA).

## **background**

Mr C contacted Vanquis in 2016 and made them aware that he was in the process of entering into an IVA. Because of this, Vanquis put all activity on the account on hold for 30 days. Vanquis' contact notes say they were notified that the IVA was rejected. This triggered Vanquis to start calling Mr C and sending him letters about the balance outstanding.

The notes then show that Mr C contacted Vanquis again and told them more details about meetings he was having about the IVA. This prompted Vanquis to once again put any collection activity on hold. Mr C then followed up after this meeting to say that the IVA had been approved. Vanquis' records show that no documents were received to confirm this. Vanquis asked Mr C to contact his IVA administrator and ask for the paperwork to be sent to them. As Vanquis didn't receive the paperwork they eventually passed Mr C's account on to debt collectors.

Vanquis also attempted to contact the IVA administrators and again they didn't confirm the IVA had been agreed. It took over five months for Vanquis to receive the paperwork which showed the IVA had been put in place. In the meantime Mr C continued to receive calls and letters from Vanquis and the debt collector, which, he says caused him unnecessary distress and inconvenience.

Our investigator didn't think Vanquis acted unreasonably, or that they should pay Mr C compensation. She felt any distress this situation caused was due to the delays in IVA agreement being sent to Vanquis.

Mr C disagreed with the investigator's opinion and asked for his complaint to be reviewed by an ombudsman.

## **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 come to the same conclusion as the investigator and I'll explain why.

I appreciate Mr C is very upset about what happened. I can also understand his frustrations with being contacted by Vanquis and a debt collection company when he had told them on a number of occasions that he had entered into an IVA. However, after looking through everything I don't think it is fair to say that Vanquis made an error.

When Vanquis are made aware that a consumer is entering into an IVA I would expect them to take some action. In Mr C's case Vanquis put a hold any collection activity for 30 days while they waited for a copy of the IVA agreement. I think this was fair.

When Vanquis received confirmation that the IVA was rejected I think it was reasonable for them to accept this. I say this because the information came direct, via the IVA administrators.

Mr C then continued to contact Vanquis to tell them the IVA had been agreed. Vanquis did put further holds on Mr C's account while they awaited the documentation. But unfortunately for Mr C the documentation was never received by Vanquis. Vanquis then appointed a debt collector and started to contact Mr C about the debt. I have to look at whether Vanquis' actions to appoint a debt collector was reasonable, given the fact that Mr C had confirmed that his IVA had been agreed.

I'm know Mr C will be disappointed but I do think Vanquis were entitled to continue with collection activity until they got the correct paperwork to say that the IVA had been agreed. I'm glad to see that Vanquis were chasing the IVA administrator for a copy of the IVA agreement. It is very unfortunate that Vanquis didn't receive a copy of the IVA agreement for several months. But I cannot see that they're responsible for this delay. I can't say Vanquis have made an error in appointing a debt collector and continuing to attempt to contact Mr C about the debt. Because the only evidence they did have from the IVA administrators said that the IVA had been rejected.

For the reasons above I'm unable to ask Vanquis to do anything further.

#### **my final decision**

My final decision is that I don't uphold Mr C's case about Vanquis Bank Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 20 November 2017.

Tracey Nugent  
**ombudsman**