

## **complaint**

Mr T's complained Vanquis Bank Limited (trading as Vanquis Bank) made him pay for transactions he said he didn't make.

## **background**

Mr T said he didn't authorise payments to an online dating agency, which were made with his Vanquis credit card.

Vanquis refunded him. But it later re-debited his account. It said it had a recording of a call to it from someone complaining he couldn't use his credit card to make payments to the dating agency. It said Mr T was the caller. For this reason, it decided he must've authorised the transactions.

Mr T complained to Vanquis. He said he believed his email account had been hacked and that the hacker found his credit card details and made the transactions. He asked for a full refund.

Vanquis refused to refund him. It said it raised a chargeback with the dating agency but it defended it. The dating agency showed he'd opened an account with it and used its services at the time the transactions were made. It said the dating agency held the same mobile phone and landline numbers and home address for him as it did.

Mr T wasn't happy with this outcome so he brought his complaint to this service. He was also unhappy with the way Vanquis had dealt with his complaint. He said it didn't send him a recording of the phone call and wouldn't liaise with the police.

Our adjudicator sympathised with Mr T's situation but he didn't uphold his complaint. He told him he'd listened to the call recording. He said he was satisfied Mr T was the caller. And since the caller knew about the payments to the dating agency, he concluded he must've authorised the transactions.

As Mr T is a vulnerable consumer, Vanquis agreed to refund the disputed transactions in full. But he feels it should also pay him compensation.

He's asked for an ombudsman's final 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.

Vanquis has refunded the disputed transactions. So the only issue I need to consider is whether it should also pay compensation to Mr T.

If Vanquis has done something wrong— and this has affected him - then I might say it should pay him compensation.

But I'm afraid I don't think Vanquis has done anything wrong or treated him unfairly. And even though this complaint has made his health worse, it wouldn't be reasonable to hold Vanquis responsible for that. I'll explain why.

I've listened to the Vanquis call recording and compared it with a recording of his call to this service. I'm also satisfied Mr T is the caller. The caller told Vanquis there was a problem with his card because the dating agency's website couldn't process his payment. It seemed this was because he had too many windows open. I thought the operator was helpful and patient during this call.

But the call recording isn't the only evidence. The dating agency provided records showing someone opened an account in his name. This was a couple of weeks before the disputed transactions started. I think Mr T must've opened the account because his mobile phone and landline numbers, home and email addresses are all registered to the account.

The disputed transactions were made under this account.

Mr T said his email account was hacked into. He believes the hacker made these transactions. But Vanquis said Mr T hadn't used his card for online payments before the disputed transactions. His credit card statements support this. And so it was unlikely a hacker got his card details from his emails. It said whoever authorised the transactions already had the actual card or the card details.

So, on balance, I think he authorised the disputed transactions.

I'm not saying his email account wasn't hacked into. It's just that I don't think a hacker made these transactions, based on the evidence.

It might be Mr T forgot he'd made the transactions or didn't recognise the agency's name on his statements. It was a new merchant so I can see how he might've forgotten.

As for his complaint about a poor service, I understand Vanquis sent him a CD of the call recording but it didn't work. Our adjudicator sent him a transcript so he should have the details now. And the police told our adjudicator it decided not to continue with its investigations, based on the evidence, so there's been nothing more for Vanquis to do.

I sympathise with Mr T's frustrations and I'm sorry this complaint has been stressful for him. But this wasn't caused by any wrongdoing by Vanquis. I think its offer to refund the transactions is a generous one in these circumstances. I don't think it's fair to ask it to pay anything more.

I'm sorry to disappoint Mr T but I hope I've explained the reasons for my decision clearly.

**my final decision**

My final decision is I'm not asking Vanquis Bank Limited to do anything more.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 23 June 2017.

Razia Karim  
**ombudsman**