

## **complaint**

Mr E complains that an account was fraudulently opened in his name by an unknown person at Vanquis Bank Limited. The account has now been defaulted for non-payment. He wants Vanquis to update his credit file and pay him compensation for his distress. He has also complained about the service he has received from Vanquis.

## **background**

Mr E tells us that when he checked his credit file he found a Vanquis credit card account which he said he never opened. He said his passport and other personal details had gone missing some time before. And he also said other people had lived at his address and presumably could've used his details fraudulently. He added he never had a landline and that the details used to open the account were basic. He denied the signature on the credit card application form was his. And he sent us his bank account statements to show that no money ever went to Vanquis to settle the credit card account. Mr E wasn't happy with the investigation and felt the staff at Vanquis have a personal vendetta against him.

Vanquis relied on call recordings of the card holder (who it says is Mr E) calling to set up a direct debit to the credit card, a call asking about increasing the credit limit and two calls which definitely were from Mr E about his complaint. It told us that Mr E had set up a direct debit from his bank account – and the bank confirmed the sort code and account number match with his own. It also checked that the home landline and mobile phone number given were both registered to Mr E's address. So Vanquis decided that Mr E was liable for the amount outstanding on the card and has moved the account to the debt recovery stage.

Vanquis acknowledged that Mr E wasn't happy with its investigation and its staff. So it apologised to him but didn't think the staff had a personal vendetta against him.

Mr E complained to us. Our adjudicator thought the complaint shouldn't be upheld because the bank details used to set up the direct debit were the same as Mr E's bank details. On listening to the call recordings, she also thought the voices sounded the same. She said the credit card application form had a signature which looked like Mr E's signature. And she decided the apology from Vanquis was enough to deal with his concerns about the staff. Mr E disagreed with the adjudicator's view and asked for the matter to be looked at again. In the meantime, we sent the call recordings to Mr E but we haven't received any response from him about them.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Having done that, I've decided not to uphold Mr E's complaint and I'll explain why.

I've seen the credit card application form and our complaint form which Mr E sent to us. I'm not a handwriting expert but I can see similarities in the signatures.

More importantly, the account used to set up direct debit payments to Vanquis has the same sort code and account number to one which is in Mr E's name. He pointed out his statements don't show any payments to Vanquis. And this is true. But I noted not all of the

pages had been sent to us – particularly pages covering the dates of certain payments to Vanquis. So it wasn't really possible for Mr E to rely on the bank statements as being a full record of his payment history.

I also accept Vanquis' evidence that the calls made by the account holder were made by a landline number registered at Mr E's home address and by a mobile phone number which was registered to Mr E. So I think it is most likely Mr E made the calls. We sent the call recordings to him but so far, Mr E hasn't sent in his comments about them.

I haven't seen or heard any evidence during the calls that any of the staff at Vanquis have a personal vendetta against Mr E. So I agree with the adjudicator that the written apology from Vanquis is enough here.

Taking everything into account, I don't think Vanquis did anything wrong. I think Mr E made the phone calls to Vanquis about the credit card limit and to set up his direct debit. I also think that as the direct debit was set up to his personal account, he was taking liability for the credit card debt.

### **my final decision**

My final decision is that I do not uphold this complaint and I make no award against Vanquis Bank Limited.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr E to accept or reject my decision before 14 September 2015.

Amrit Mangra  
**ombudsman**