

complaint

Mr M was sent a credit card statement in 2016 for a Bank Of Scotland PLC (hereon "BOS") credit card. Not recognising the card he contacted BOS concerned about fraud. It turns out this was a credit card account that Mr M had held for some years but he didn't recognise it because he was used to it being under different branding. He feels BOS has treated him unfairly and caused him distress and inconvenience.

background

Mr M says that BOS has treated him unfairly because it told him that there was fraud on an account in his name that he didn't recognise. It then decided it wasn't fraud. By then it had changed his CIFAS record. Mr M also feels aggrieved because BOS hasn't answered every single question he has put to it. He feels he's been treated badly.

So he complained to BOS about everything that has gone on. BOS admitted somethings could have been done better but has said that it's treated him fairly with what it's done so far in rectifying the matter. It has offered him £200 in relation to the mistakes made in dealing with this matter.

Mr M says this isn't enough because he thinks he deserves £1000. So he complained here and the adjudicator thought the £200 offered was fair and reasonable in the circumstances. Mr M does not agree so this complaint has been passed to me.

my findings

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

BOS and Mr M don't agree. As such I can only make my decision based on the evidence provided to me by the parties. In short I must decide what is most likely to have happened. Or in other words, what happened on the balance of probabilities.

Before I consider the 'meat' of what Mr M is complaining about I must make clear what this decision doesn't and cannot cover. I do this for clarity and Mr M's convenience. These areas are:

- The service provided to Mr M by this service in dealing with his complaint. Mr M has made some observations on this area. Such issues are dealt with through our service complaint process. This has been explained to Mr M and he is informed of the current position and his options in the future. So this decision will not comment on such issues.
- Mr M has made subject access requests during the course of the parties looking into his complaints. If he is dissatisfied with how this has been done his complaint about that needs to be made to the Information Commissioners Office. Details of that process are available to Mr M and on the relevant internet pages.
- Mr M has also demanded disciplinary action against BOS staff and he also wanted the involvement of the regulator in his case. Neither of these areas fall within the remit I have for writing decisions such as this. Ultimately it is BOS to deal with its staff and it is up to the regulator to fulfil its functions under the laws and rules under which it operates. So I will not address these areas in this decision either.

Mr M has complained extensively to BOS and this service about what has happened. He has raised numerous questions and is clearly vexed that each and every one of his questions hasn't been addressed with the vigour he would like. I can appreciate Mr M is not particularly keen on the manner in which his complaints with BOS have been addressed by it. And I would note that he has put these arguments in an organised and erudite manner. I also appreciate his wish to have a full understanding of what has gone on and has pursued this with a determined manner.

However it is important to be very clear here the relative context of the situation Mr M has faced. Namely that Mr M has not suffered any direct financial loss due to how BOS has dealt with him with regard to his card. And there is no persuasive evidence of any fraud having taken place. So ultimately it is my view that this complaint is administrative in nature and not a complaint about Mr M suffering major losses as a result of BOS' actions. So although I appreciate what has happened is galling for Mr M, to my mind he has not suffered substantially.

Essentially what has happened is that many years ago Mr M took a credit card branded by a well-known trade body and that this card was underwritten by BOS. It is understandable that Mr M might not have been aware of BOS' involvement in the card when he took the card out. I have seen the application Mr M completed at the time and I am satisfied that he took it out. Having looked at the statements of this card I can see where, when and on what the card spending was on, that there were regular payments made to reduce/clear the balance and that it was paid down to a nil balance in around 2011. BOS has told us that in 2012 its relationship with the trade body ended and it took over the card fully and hence Mr M's account at that time. It is unclear what happened with the account then, other than Mr M clearly thought it was closed or at least not functioning. It would appear that as it was at a nil balance no statements were sent by BOS from when it took over the account in 2012 for some years. Clearly Mr M stopped giving the account any consideration thinking it was not functioning.

In 2016 BOS sent Mr M a statement on this account. It is unclear what happened to make this happen. It appears that this was the first time BOS had written to Mr M about the account. I've seen this statement and it shows a nil balance. But understandably Mr M seeing a totally different statement type for a card he didn't recognise he was somewhat concerned. Thinking he was potentially being impersonated and possibly now open to fraud he contacted BOS.

Unfortunately BOS didn't deal with his concerns to the best of its abilities. It seems it made him more concerned about fraud not less concerned. And it's clear it took some time for it to make clear to Mr M the origins of the account and why BOS was now administering it. So it offered Mr M £200 in recognition of how it dealt with the matter. It has also said it will contact CIFAS to ensure the situation is accurately shown on CIFAS' records. But Mr M thinks this is significantly short of appropriate payment for his distress and inconvenience.

Mr M says he did suffer distress and inconvenience but does not elucidate on the matter. He does not point to medical reports to support his argument. Furthermore he doesn't point to what exactly has caused him such distress or inconvenience to warrant a far larger award. As such I'm not persuaded he has suffered significantly. Mr M has complained in a very itemised way and has required those he is dealing with to deal with each and every point he has raised. However neither BOS (nor this service) has necessarily responded in such a manner. This clearly is galling to Mr M. However I do not consider this approach to be unreasonable by BOS. It clearly has made mistakes but once it got to grips with the matter it

has provided Mr M with targeted responses to the key areas of his dispute. And I do think some of the questions Mr M has raised don't really add much to either his arguments or the matters at hand. So although Mr M is clearly distressed I don't think this is wholly the responsibility of BOS.

Mr M points to the time and effort he has spent in dealing with the matter. However it seems to me that a significant part of this has come after BOS had put things right. And much of that has been his complaint letters to this service about this service's position-not something for which BOS should be held to account.

So I am not persuaded that there has been any substantial distress or inconvenience to Mr M caused by BOS. The primary reason of this being Mr M not being persuasive on the matter. Lastly I should add that Mr M has had ample opportunity to describe such but hasn't. I think it in the interests of finality for all parties that this matter is brought to a close by this decision.

As I've already stated I don't think Mr M's comments are persuasive. I've considered everything he has said. And I've allocated it the appropriate weighting in my decision making. However, all in all I'm not persuaded he has been treated sufficiently unfairly by BOS in the circumstances to make it do more. So in summary this complaint does not succeed. So I think the suggested settlement on the table of £200 is fair and reasonable in the circumstances. If Mr M wishes to accept this decision and that award he should let this service know.

Mr M isn't bound by this decision if he doesn't want to be. He's free to reject this final decision and take the matter through whatever avenue he chooses. But this decision brings to an end this complaint in this process at this service.

my final decision

For the reasons set out above, I award the suggested settlement of £200 payable by Bank of Scotland Plc to Mr M if he accepts this decision.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr M to accept or reject my decision before 16 April 2018.

Rod Glyn-Thomas
ombudsman