

complaint

Mrs L complains that NewDay Ltd (trading as Aqua) lost a payment she made to her credit card account.

background

Mrs L told us that she paid £200 to her credit card account with Aqua in August, and then the same amount again in September. Shortly after, she started receiving texts saying the minimum payment was still due. She told Aqua she'd made the payment, and told it about her very difficult family circumstances at the time. But Mrs L said that Aqua continued to chase for the minimum payment until it eventually found it. She said that the amount of compensation Aqua paid was derisory.

Aqua said that Mrs L had made a payment over the phone in good time in September. The agent who took the payment typed the wrong number, so the payment didn't go to Mrs L's account. Mrs L spoke to the collections team at the end of September, just after her payment was due. That team apologised and raised a missing payment query. And the team amended her account so no late payment was recorded on her credit file and no more collections action was taken.

Aqua said it found the payment and transferred it to her account very early in October. Mrs L had called three more times in the meantime, chasing to see where the payment had gone. She had also registered a complaint, and Aqua responded to that at the end of October. Aqua paid Mrs L £40 in compensation. It knew that Mrs L wasn't happy with that, but Aqua wouldn't pay any more. It said that there's always a risk of mistakes happening with a manual process, and it was sorry this had happened while Mrs L was having to go to hospital. But Mrs L got her money back within six days of telling Aqua it was missing. Aqua didn't think it should pay any more than it already had done.

Our investigator upheld this complaint. He said that he had listened to two of the calls that Mrs L had with Aqua, although he knew she'd spoken to it many more times than this. He said that, based on the content of the calls, he didn't think £40 in compensation was enough. He said that Aqua gave Mrs L incorrect information and made a number of errors when it was trying to sort things out. He thought that Aqua should pay a further £160, making a total of £200.

Aqua didn't agree to that. It said that it didn't call Mrs L chasing a payment after the date that she told them the payment had gone astray. She had called Aqua a number of times. And Aqua said it didn't know about the severity of the personal issues that Mrs L was dealing with at the time that the payment was lost. It didn't think it should pay a further £160. It offered to pay £60 more instead.

Because Aqua didn't agree with our investigator, the case was passed to me for a 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. I've reached the same conclusion as our investigator, and for broadly the same reasons.

We don't have all the calls between Aqua and Mrs L. So I don't know whether Mrs L told Aqua all the details of the very difficult family circumstances that were also happening at the same time as it was dealing with her complaint. Mrs L said she did. And even if Aqua didn't know all the details, I can hear on the first call that I do have, that Mrs L repeatedly told Aqua that she was having a particularly difficult time at the moment. She gave Aqua some details of that, and said she didn't need the additional stress that this lost payment was causing. So I think that Aqua should've been aware of at least some of the issues happening in the background.

The information that Mrs L was given on the first call we have seems to me to have been confusing and contradictory. And I think that the second call Mrs L made also seems to show that she continued to get contradictory information from Aqua after this. I think this was poor customer service. And I do think that this added to Mrs L's distress at what Aqua should've realised was already a very difficult time for her.

Mrs L also said that she received further calls after she told Aqua that she had made her payment. Aqua says that she didn't, but on the first call Aqua sent us, Mrs L says that Aqua phoned her. The advisor accepts that she has been called and apologises for that. So I think it is more likely than not that Aqua did try to contact Mrs L to chase payment after she'd reported her payment as lost.

Because Aqua gave Mrs L confusing and contradictory information on the phone, and because I think it is more likely than not that Aqua continued to chase Mrs L for payment, I think that Aqua should pay Mrs L more compensation than it has already paid. I agree with our investigator that £200 is a more appropriate amount of compensation in this case, particularly considering the other issues that Mrs L was dealing with at the time. That's in line with what I would've awarded, if our investigator hadn't already suggested it.

my final decision

My final decision is that NewDay Ltd (trading as Aqua) should pay Mrs L a further £160, so that she has received a total of £200 in compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs L to accept or reject my decision before 5 March 2018.

Esther Absalom-Gough
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