

complaint

Mr P complains that Vanquis Bank Limited hasn't treated him fairly by refusing to remove a default that it registered against him while he was in prison.

background

Mr P has a Vanquis credit card. Mr P was remanded in custody from early April 2014. Mr P didn't clear the balance on his account. Vanquis sold the debt to a third party debt collection company.

Our adjudicator didn't recommend that Mr P's complaint should be upheld. He considered Vanquis had acted in line with the terms of Mr P's credit card. He didn't think it would've been impossible for Mr P to deal with Vanquis while he was in prison.

Mr P disagrees with our adjudicator's conclusions. He says that understaffing at the prison meant he didn't have any support to deal with financial matters.

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 agree with the conclusions of the adjudicator.

I am sorry to hear about Mr P's circumstances but I'm not persuaded that Vanquis did anything wrong when it continued to apply interest and charges to his account. Mr P used his card in March 2014, shortly before he was remanded in custody, so he should've been aware there was an outstanding balance on his account.

I understand that it is much more difficult to manage finances from prison. But I find it reasonable to have expected Mr P to contact Vanquis either before he was remanded or once he was in prison.

Vanquis says it rang Mr P's number in May 2014 and someone said Mr P was in prison. But as Mr P didn't contact Vanquis himself, I wouldn't expect the bank to accept the word of someone who wasn't the account holder. And I don't criticise Vanquis for not carrying out a search of the national prisoner register to trace him as Mr P suggests.

As Mr P didn't make any further payments and didn't tell Vanquis where he was, I can't criticise it for defaulting his account. I don't require the bank to remove the default or refund any of the charges that it applied.

my final decision

My decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 17 December 2015.

Gemma Bowen
ombudsman