

complaint

Miss C complains that Bank of Scotland plc, trading as Halifax took money from her ISA to cover an outstanding credit card debt. She also complains about the lack of communication and general level of service.

background

Miss C's original complaint was that the bank took money from her ISA to pay off her credit card debt. Miss C has several accounts with the bank and her credit card account is in arrears. In addition she says she offered to take responsibility for a debt that a friend had with Halifax. I also note that in the last few years she says she has suffered a burglary and has been flooded on two occasions. This has meant that she has not received all of her post. Halifax says that it sent several letters and notices telling her she was in arrears and that these went unanswered. Eventually the debt was passed to the debt collection arm of the bank.

When Miss C received a letter from the agency she did not appreciate initially that it was linked to her Halifax debt. In due course she complained to the bank thinking that the money in her ISA account had been taken by Halifax. She now accepts that this is not the case.

However, she considers that the bank has not made sufficient efforts to contact her given her circumstances and has been threatening. She also has asked why the Chief Executive Officer (CEO) has not responded to her letter.

The adjudicator did not recommend that this complaint be upheld. He obtained confirmation from Halifax that the ISA had been untouched. He also considered that it had taken reasonable steps to contact Miss C. She had cancelled her landline and mobile 'phone contracts because of what she considered to be threatening calls from Halifax. This combined with the postal problems caused by the flooding made it difficult for Halifax to contact Miss C. He also noted that he could find no evidence of threatening calls. He also did not consider it reasonable to expect the CEO to respond to Miss C personally. He concluded that Miss C's concerns seemed to arise from Halifax seeking payment of a debt and this was compounded by the burglary and the flooding. While all of this could be distressing he could not see that Halifax had made an error in its dealing with Miss C.

my findings

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

I find myself in agreement with the adjudicator for much the same reasons. Miss C feels aggrieved by the way Halifax handled her debt, but I consider that it took reasonable steps to deal with the matter. It did not take money from Miss C's ISA as she thought. It tried to contact her regarding her debt and due to circumstances that were not the fault of Halifax some of its letters did not reach her. It tried contacting her by phone, but as she felt the calls were threatening she closed that avenue of contact. I cannot see that Halifax can be held to have failed to try and contact her.

I would add that I am not persuaded that the calls made to Miss C were threatening. It can be distressing to deal with debt problems and I sympathise with Miss C's predicament which

was exacerbated by the burglary and the flooding. However, I fear she chose not to engage with the bank which only made matters worse.

Miss C has raised a number of issues following her initial complaint. I will not rehearse all of these, but I can reassure her that I have read her submissions in detail. I agree with the adjudicator that it is not reasonable to expect the CEO to reply to her personally and I believe that the bank has provided her with a comprehensive response to her letter to the CEO. Finally Miss C refers to a repayment plan she believes she has with the bank. For its part the bank has no record of a formal repayment plan and it seems that there is some confusion between the two parties. I would recommend that Miss C contacts the bank and seeks to find a solution to her outstanding debt.

my final decision

My final decision is that I do not uphold this complaint.

Ivor Graham
ombudsman