

complaint

Mrs M complains about customer service she received from J D Williams & Company Limited (trading as Fashion World).

background

Mrs M experienced financial difficulties in 2016. She contacted a third party (that I'll call S) for debt advice and told Fashion World S would be dealing with her account. Fashion World continued to contact Mrs M about the arrears. Mrs M was seriously ill at the time and doing her best to sort out her finances. She thinks Fashion World was unsympathetic and provided very poor customer service. In particular, Mrs M considers Fashion World was wrong to

- 1) continue to contact her via letter, phone and text when she had already provided updates about her situation;
- 2) chase her direct, when it knew S was dealing with her account;
- 3) fail to reply to correspondence; and
- 4) fail to assist when a family member Mr M made contact via social media.

She wants Fashion World to make a full and frank apology and pay compensation to acknowledge its many failings during what's been an extremely stressful time for her.

Our adjudicator is satisfied that Fashion World stopped contacting Mrs M after it agreed a payment arrangement with S. Creditors are entitled to contact a customer about arrears before an arrangement is sorted out, so he's not persuaded Fashion World did anything wrong. He doesn't think the time it took Fashion World to respond to this complaint was unreasonable. And he's satisfied it couldn't deal with Mr M because he wasn't authorised on Mrs M's account. He thinks it fair that Fashion World has refunded (and frozen) interest and charges and agreed a payment arrangement. And he's not persuaded we can reasonably require it to do more.

Mrs M disagrees. She says (in summary)

- she doesn't understand why Fashion World couldn't act on a simple request from Mr M who was just chasing a response to her complaint – not asking to discuss account details or personal information;
- other creditors were much more helpful and Fashion World should have given her thirty days "breathing space";
- Fashion World told S the account was clear so it stopped making payments causing Mrs M more stress; and
- Fashion World should have acknowledged her complaint within 5 working days, in which case she might not have had to contact senior management or this service and Mr M wouldn't have had to get involved.

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'm sorry to disappoint Mrs M but I have reached much the same conclusions as our adjudicator for broadly the same reasons.

Where the evidence is incomplete, inconclusive or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in the light of the available evidence and the wider circumstances.

I can see that Mrs M has experienced some very difficult circumstances. I have no doubt that what's happened has been extremely upsetting and she's been disappointed by the customer service provided by Fashion World.

Mrs M has made detailed submissions and asked me to respond to each one specifically. So I hope she will understand that my role here is to consider all of the relevant circumstances to reach a fair and reasonable outcome. And, if I don't respond to every single point individually, it's not because I haven't thought about it carefully - or that I've underestimated how this has affected her.

failure to assist when Mr M made contact via social media

Mr M contacted Fashion World on social media in January 2017. He was understandably concerned on Mrs M's behalf and wanted Fashion World to respond to the complaint she had made the month before. Fashion World told Mr M that it didn't deal with these sorts of queries on social media. And suggested Mrs M should get in touch, because it couldn't access her account as Mr M wasn't authorised on it.

Mrs M was undergoing treatment at the time, so I can see why she didn't find this response helpful. I accept Mr M didn't ask to discuss the details of the account or any personal information. And I understand Mrs M's frustration that Fashion World didn't progress Mr M's request.

I should explain that this service isn't a regulator. I don't have the power to tell Fashion World to change its internal processes or how to operate on a day to day basis. And it's not my role to punish a financial business or individual employees.

I'm satisfied Fashion World apologised to Mr M and explained it wasn't able to help via this form of media. I don't doubt that was upsetting for Mrs M at the time. But I can't fairly find that Fashion World made a mistake or was obliged to do anything further with regard to this aspect of her complaint.

was Fashion World obliged to give Mrs M "breathing space"

Mrs M says Fashion World should have stopped contacting her for 30 days to give her some "breathing space" to try and sort out her finances. I accept some industry bodies have codes that include this sort of provision. I can't see that Fashion World is a member of any of those bodies. And I note there was some sort of mix up when Mrs M first contacted S about her debts. Fashion World wasn't included on the list of debtors and it wasn't contacted by S at the same time as her other creditors. And S used the wrong account number when it began making payments to Fashion World so some payments didn't reach Mrs M's account.

This delayed the payment arrangement and I can't say it was wrong of Fashion World to continue to contact Mrs M about the account initially. I don't think Fashion World knew that Mrs M was ill until early this year. I'm satisfied it agreed then to put the account on hold for three months and froze and refunded interest and charges. I think that was a positive and sympathetic response. And I am not persuaded I can reasonably find that Fashion World was required to give Mrs M more time sooner, in these circumstances.

providing incorrect information about the account balance

Fashion World told S that Mrs M's account was clear earlier this year so S stopped payments. I can see that must have been very worrying for Mrs M, at what was already a terribly stressful time. It looks as if some confusion arose because S gave Fashion World the wrong account number. And I don't think I can fairly hold Fashion World responsible for that.

I appreciate Mrs M thinks Fashion World should have realised the account number was wrong because it didn't relate to an account in her name. But financial businesses often deal with accounts on the basis of the number alone. I think that's probably what happened here. And I am not persuaded that Fashion World behaved unreasonably.

I note Mrs M has asked me to consider if Fashion World has breached data protection legislation by giving S information about a third party's account. I'm sorry to disappoint her but that's not something I'm able to look into in this complaint as it doesn't relate to her information or her account.

the timing of Fashion World's response to Mrs M's complaint

Mrs M says Fashion World was obliged to acknowledge her complaint within five days under Financial Conduct Authority DISP rules. And its failure to do so caused her additional stress and upset as she had to contact management at Fashion World and this service.

I can't see an obligation to send an acknowledgement within 5 days in the rules Mrs M refers to. But I accept Fashion World's own complaint process says it will acknowledge complaints within that time. I think it's understandable that Mrs M was concerned when she didn't hear from Fashion World as soon as expected. And I accept it would probably have saved Mrs M a good deal of upset and inconvenience if Fashion World had acknowledged her complaint sooner

But, I'm satisfied Fashion World sent its final response within eight weeks in accordance with the DISP rules. It also refunded over £500 interest and charges and agreed to put the account on hold. That's more than this service is likely to have awarded as a result of Fashion World's failure to acknowledge this complaint. And I think it was a fair and reasonable response. So, I'm sorry to disappoint Mrs M, but I agree with our adjudicator that it wouldn't be reasonable to require Fashion World to do more.

I realise this decision isn't the outcome Mrs M hoped for. I have a great deal of sympathy for the situation she found herself in. I can see why she feels so badly let down by Fashion World during what has clearly been a very stressful time for her and her family. But, for the reasons I've explained above, I am not persuaded that I can reasonably order Fashion World to pay more compensation or do anything further.

my final decision

For the reasons I've given, my decision is I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 8 June 2017.

Claire Jackson
ombudsman