

complaint

Mr O complains that he is being asked to pay charges which he thinks are unfair. He would like Lloyds Bank PLC, trading as Lloyds Bank Cardnet, to refund these to him.

Mr O brings this complaint on behalf of his company – M.

background

As part of an agreement Mr O had with Cardnet, he was required to become PCI-DSS (Payment Card Industry Data Security Standard) compliant. This was not optional – it was mandatory if Mr O wished to continue to business relationship with Cardnet.

Mr O says that the process was difficult and complicated and this was the reason why he had not completed registration. He said he should not have incurred non-compliance fees and that these had been unfairly added.

When he complained to Cardnet, it did not uphold his complaint. It had already made a partial refund of fees (for the period January 2014 to September 2015) and it's in final response, it offered Mr O a further £60 compensation. This offer was made on a "without liability" basis – Cardnet not accepting it had done anything wrong.

But Mr O did not accept this. He wanted a full refund of all fees charged and so brought his complaint to this service.

When our adjudicator looked into Mr O's complaint, she did not think she could ask Cardnet to do anymore. The matter was then 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 and based on what I have seen, I cannot fairly ask Cardnet to do anymore either.

There have been detailed submissions and responses throughout the course of this complaint. Mr O has made his complaint points very clear – and I think our adjudicator has responded accordingly. In fact, I don't think there is much more that I could add to what has already been said.

For the sake of clarity, I can see that Mr O's position is this; the reason he was so delayed in becoming compliant was simply down to the incompetence of Cardnet staff and the failure on their part to inform him of the option of completing registration on paper instead of online.

He also complains that members of staff were rude to him and that his relationship manager was unhelpful.

The delay in Mr O becoming fully compliant was not simply a matter of weeks or months – it occurred over a period of years. We have listened to the calls with the call centre staff and find no evidence of staff being rude – and our adjudicator has already explained to Mr O that his relationship manager was not involved in the process of becoming PCI-DSS compliant. So, I can't say that these issues contributed to the delay.

With regards not being told of a paper option until later on in the process, Cardnet tells us that the guidance which would have been sent out to Mr O would have told him what he needed to do if he was struggling to complete the forms. There was an option to speak to a support team (which may have incurred a small charge) but there was also guidance in the paperwork and on the website.

Cardnet accepts the process was not always simple or straightforward. But it says there was always guidance available. It does not accept that the delay in this case was caused by its staff or indeed the lack of advice.

I'm afraid I agree. I cannot see anything to suggest that Cardnet (including members of staff) was responsible for the delays in Mr O becoming compliant. So, it follows that I will not be asking it to refund the charges and fees which he has incurred.

my final decision

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O, on behalf of M, to accept or reject my decision before 23 February 2018.

Shazia Ahmed
ombudsman