

## The complaint

Mr R complains that Clydesdale Bank Plc trading as Virgin Money have provided him with poor service.

## What happened

Mr R has said that he was unhappy with the way he was spoken to by a Virgin Money member of staff, and Mr R felt he had a bad attitude. He was also unhappy with another colleague he spoke to over the phone as Mr R felt she was not listening to him and that she was not being helpful. Mr R says that he had to wait a long time on hold to get through to someone at the complaints team, and also with the length of time it was taking to complete a review on his previous complaint. Mr R made complaints about the service to Virgin Money.

Virgin Money did not uphold Mr R's complaints. They said they reviewed all of the calls and their agents were very respectful and nice to Mr R, but Mr R was rude and abusive to them, and he didn't want to listen while they were trying to advise him and go through letters with him. Mr R brought his complaint to our service.

Our investigator said that Mr R had received an arrears letter and he was worried he would have a default registered on his credit file. But it seems Virgin Money dealt with this complaint in a timely manner. Our investigator said that Virgin Money's records suggest Mr R had been verbally abusive to one of their advisors. So, he couldn't say that the call handler was wrong to terminate the call. Mr R asked for an ombudsman to review his complaint.

As my findings differed in some respects from our investigator's, I issued a provisional decision to give both parties the opportunity to consider things further. This is set out below:

*"I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.*

*Firstly, I'm aware that I've only summarised Mr R's complaint points. And I'm not going to respond to every single point made by him. No discourtesy is intended by this. Our rules allow me to take this approach. It simply reflects the informal nature of our service as a free alternative to the courts. If there's something I haven't mentioned, it isn't because I've ignored it. I haven't. I'm satisfied I don't need to comment on every individual point to be able to reach what I think is a fair outcome.*

*I must make it clear that this decision will only look into the service issues that Virgin Money have looked into and wrote to Mr R about in the various final response letters that he's forwarded to our service. His complaint about his charges do not form part of this decision as this is being looked at separately by our service. The final response letters dated 16 February 2023 and 11 October 2023 will also not form part of this decision as these were issued several months after Mr R originally brought his complaint to our service. But if Mr R is not satisfied with Virgin Money's response then he may be able to bring these complaints to our service also as Virgin Money confirmed his letter dated 11 October 2023 superseded his 16 February 2023 letter.*

*I've looked at the service issues that has been addressed in Mr R's various final response letters from Virgin Money. I can understand why Mr R would be distressed to receive an arrears notice as he was fearful this would ruin his life. But in the calls that Mr R has had with Virgin Money about his account, there is evidence that he has been abusive towards staff, which ultimately led Virgin Money to close his account, and they are entitled to make a business decision to do this.*

*I've listened to a call that Mr R had with Virgin Money on 14 February 2022. Mr R was clearly distressed at receiving the arrears notice and he wanted this to be escalated. The call handler explained this had been escalated already and there was no response time she could give him for this to be completed. Mr R asked to speak to a manager and the call handler explained their process and that it had already been escalated and there was nothing further she could do. Mr R then asked her to log a complaint about herself as she wasn't listening to him, and she wasn't helping him.*

*Mr R made it known that because he received the arrears notice and this could stay on his credit file for six years, he mentioned several times he wanted to make a payment to his account. He said "madam, I want to make some payment to resolve this matter, so you are refusing somebody can't take the payment" and "this will affect my credit rating". But the call handler does not acknowledge Mr R wants to make a payment. Instead she replies "it doesn't have a timeframe, so I can't give you a time on, on when you will be contacted about it."*

*So I would have expected the call handler to either of taken a payment from Mr R, or if she wasn't able to do this herself, then she should have transferred the call to somebody who could have taken a payment from Mr R, especially given he stressed the urgency of the matter and the potential impact this could have on him. Mr R asks again "so you're not helping me at all to take some payment?" and the call handler replies "I'm sorry I'm not giving you the answer you're looking for." Mr R says "I want to make some payment about this card" and he asks if there is nobody who can take the payment of the card.*

*Mr R says "you can't refuse the payment", and the call handler says "I'm sorry, but I can't, I can't change the answer". Mr R says "there's no question of this, someone should take the payment, I want to make some payment about my card, (inaudible) for direction. So you are refusing, you can't take any payment?" The call handler says "no, sorry".*

*Mr R explains he has the notice of arrears and he wants to avoid that. He says "someone should take the payment of wish I want to make". The call handler says "I'm sorry, but we, we can't do that." Mr R responds "there's nobody who can take the payment?" and the call handler says "no". Mr R sounds upset as he asks "are you refusing the payment as well?". The call handler says "yes".*

*So I'm persuaded that the call handler did let Mr R down here. She clearly refused to help a customer who was in arrears make a payment or to transfer Mr R to somebody who could take a payment for him. As the call handler had confirmed multiple times that there was nobody able to take a payment to help clear the arrears when Mr R had made it clear the impact this could have on him, then this would have been distressing for Mr R. And he is audibly upset on the call at not being able to make a payment. The responses from the call handler would appear to Mr R that nobody from Virgin Money could take the payment for him.*

*So I'm satisfied that Virgin Money should pay Mr R compensation for the poor service he received on this call. He was audibly upset that despite the call handler keep saying she was listening to him, she wasn't listening to him saying that he wanted to make a payment. She*

*refused to take a payment for him, and she confirmed there was nobody who could take a payment for him.*

*I'm persuaded that £100 compensation is proportionate for what happened here. Mr R gave the call handler multiple opportunities to tell him how he could make a payment, or to take the payment herself, or to transfer him to someone who could treat a customer in arrears positively and sympathetically. So it follows I intend to ask Virgin Money to put things right for Mr R."*

I invited both parties to let me have any further submissions before I reached a final decision. Mr R did not respond to the provisional decision. Virgin Money sent me further phone calls with themselves and Mr R, but they did not respond to the provisional decision itself.

### **What I've decided – and why**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I've listened to the further phone calls that Mr R had with Virgin Money, however, these do not change what I said in my provisional decision. As I said in the provisional decision "*I'm persuaded that £100 compensation is proportionate for what happened here. Mr R gave the call handler multiple opportunities to tell him how he could make a payment, or to take the payment herself, or to transfer him to someone who could treat a customer in arrears positively and sympathetically. So it follows I intend to ask Virgin Money to put things right for Mr R.*" So my decision and reasoning remains the same as in my provisional decision.

### **Putting things right**

In my provisional decision I said I intend to uphold this complaint. I said I intend to ask Clydesdale Bank Plc trading as Virgin Money to pay Mr R £100 for distress and inconvenience. I'm still satisfied this is a fair outcome for the reasons given previously

### **My final decision**

I uphold this complaint. Clydesdale Bank Plc trading as Virgin Money should pay Mr R £100 for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 12 January 2024.

Gregory Sloanes  
**Ombudsman**