

The complaint

Mr T complains Zopa Bank Limited are harassing him regarding a loan when he's got a payment arrangement in place with them already. Mr T is also unhappy about their lack of response when he raised his complaint.

What happened

My understanding is Mr T took out a loan for £9,000 in March 2020, over a three-year term. And, at the time of the complaint, he was in arrears with his repayments.

On 13 February 2023, Mr T contacted Zopa to complain about harassment he said he was experiencing from them given he had a repayment plan in place. He said he was getting too many contacts from them.

Having got no reply from Zopa, Mr T asked us to look into things. As part of our standard practice, we asked Zopa for their version of events.

They let us know their colleague who took Mr T's call on 13 February 2023 hadn't logged a complaint for him – and would arrange to consider it as a matter of urgency.

Zopa issued their response a week later. In it, they said Mr T had a plan in place between 18 October 2022, and 28 January 2023. And, once a plan ends, if someone is still in arrears then they'll be contacted about the current situation. Zopa said they have a responsibility to ensure their customers know where their account stands and what action could be taken against them. Zopa added they could see Mr T had raised a complaint about this same issue before, and at the time it was explained to him an account in arrears would receive regular contact. Overall they didn't think they'd done anything wrong in their attempts to contact him, but did accept they hadn't handled his request for a complaint to be raised fairly and offered him £50 in recognition of this.

Unhappy with this Mr T asked us to look into things. One of our Investigators did so, but didn't think Zopa had done anything wrong with their contacts, and thought the £50 was fair.

Mr T didn't accept this. He said he'd been contacted on the phone a lot and wanted this to be considered. He intended to get records of incoming calls from Zopa but says his phone provider would have required a court order. Instead, he sent us some screenshots of recent contact from Zopa.

Our Investigator didn't think this changed her view, so as Mr T was still unhappy, the complaint's been referred to me to consider.

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 think it's important to explain I can't decide if Mr T has or hasn't been harassed. The reason for that is because harassment is a criminal offence, and I can't make a legal finding like that. Instead, I'm required to take into account the law, rules and regulations, and good industry practice, but overall decide things on a fair and reasonable basis.

I've looked at emails sent to Mr T, and I don't find them overly demanding or excessive in nature. The majority of the emails are providing updates or confirming a payment plan that's been agreed. In the circumstances I think it's not unreasonable of Zopa to confirm what arrangements have been put in place – and I think a lot of the time it helps to create an audit trail.

I've also seen the phone call log Zopa were able to provide – this shows they have attempted to call Mr T, but again not a number of times I'd consider excessive.

Pulling the timing of the emails and phone calls together, they seem to largely be when Mr T is outside of any agreed repayment plans. If that is the situation, and Mr T isn't keeping to the contractual agreement – which unfortunately he hasn't been able to – then I'd expect Zopa to contact him regarding this.

I don't doubt Mr T is feeling frustrated by the contacts from Zopa, but from the review of the evidence I've seen, I can't say they've been contacting him on a basis I'd consider to be an excessive amount. Nor can I say their messages are unreasonable in nature. Because of that, I don't think Zopa have acted unfairly when they've been contacting Mr T.

In respect of the delay in logging the complaint, that's disappointing – and I'm sure added to Mr T's overall sense of frustration regarding Zopa's communication. They offered £50 which I do think is fair to reflect the aggravation they'll have put him to.

My final decision

Zopa Bank Limited have already made an offer to pay Mr T £50 to settle the complaint and I think this is fair in all the circumstances.

So, my decision is Zopa Bank Limited should pay Mr T £50.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 9 January 2024.

Jon Pearce
Ombudsman