

## **The complaint**

Ms H has complained that Marks & Spencer Financial Services Plc ('MSFS') unfairly declined her claim under section 75 of the Consumer Credit Act 1974.

## **What happened**

Ms H bought some wardrobes from a third party, using finance from MSFS. Unfortunately, there were then issues with the installation. The third party made Ms H an offer, in full and final settlement, which she accepted. MSFS then declined her claim under section 75, on the basis that the complaint had been settled. One of our investigators looked into what had happened, but agreed that MSFS hadn't behaved unfairly in declining the claim. Ms H disagreed. She explained she'd only accepted the settlement offer because of the fear of being taken to court, her credit score being damaged, and losing her job.

## **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.

Having done so, I'm not upholding it. I know this will be disappointing for Ms H, but I'll explain why. I'm satisfied that Ms H accepted an offer in full and final settlement of her complaint against the third party. So, the complaint that gave rise to the section 75 claim has been settled. Accordingly, I agree that it wasn't unfair of MSFS to decline her claim. I appreciate that Ms H says she felt she had no choice. But ultimately, it was her decision to accept the offer, in the knowledge that it was in full and final settlement.

## **My final decision**

It's my final decision not to uphold this complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Ms H to accept or reject my decision before 4 January 2024.

Elspeth Wood  
**Ombudsman**