

## **The complaint**

Mr S complains that Marks and Spencer Financial Services PLC failed to credit a £50 payment he had made to his credit card account.

## **What happened**

In February 2023 Mr S's wife made a payment of £50 to M&S at a nearby branch of their bank. However when he received his next monthly statement, the payment was not on it and he subsequently received a letter from M&S advising no payment had been made and that a £12 charge had been added to his account. Mr S's wife checked with their bank that the payment had been made and this was confirmed. Mr S then called M&S and asked to speak to the signatory of the letter, but the call ended before he was able to be transferred. He spoke to M&S several times after this but each time he was told that M&S could only investigate the matter if he provided the account number and sort code of the bank from where he made the payment. Mr S said that for security reasons he would not do this.

M&S reiterated in correspondence that it could not investigate the matter without the said account number and sort code. It refunded the £12 charge and credited £25 to his account for his poor experience during phone calls.

On referral to the Financial Ombudsman Service, our Investigator didn't think that M&S should pay further compensation, as though Mr S was within his right to refuse to provide his account details, this is hindering its investigation into the missing payment.

Mr S did not agree, and enquired why we could not request M&S Bank to confirm that the payment in February by his Bank on his behalf has been received to conclude this matter.

The matter has been passed to me for further consideration.

## **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.

First of all I fully understand Mr S's frustration. His wife made a payment in the branch of their bank to M&S and the bank has confirmed that the payment has gone through. Yet the payment has still not appeared on his account with M&S.

I also understand that it would be upsetting to receive a letter saying he hadn't paid, with a £12 penalty charge. And I recognise his frustration at having to make several telephone calls to M&S to try to resolve the matter.

However it appears that the £50 payment did not reach Mr S's account. His bank is clearly able to say it left his account but only M&S can carry out an investigation from its end. It appears likely that the £50 is being held in a suspense account. I can't speculate on the reasons for this but the only way in which M&S can carry out a proper investigation is by Mr S supplying his bank account number and sort code. Unfortunately he has consistently

refused to supply this because he has security concerns.

I understand those concerns but as M&S clearly will be receiving a great number of payments every day, I don't think it would be possible for it to trace the payment any other way. It has supplied Mr S with the details of its privacy notice, which explains how it uses personal data. And it is bound by the Data Protection Act to keep such information confidential.

As matters stand however, I think M&S has dealt with Mr S's complaint appropriately by refunding the £12 letter charge and its payment of £25 compensation.

### **My final decision**

I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 8 January 2024.

Ray Lawley  
**Ombudsman**