

The complaint

Mr H is complaining about Barclays Bank UK PLC trading as Barclaycard because his account was defaulted and the debt sold despite his efforts to pay off the balance.

What happened

Mr H had a credit card account with Barclaycard. Statements provided by Barclaycard show he made payments to the account in January and February 2021 but nothing after that.

Barclaycard has provided recordings of two calls from Mr H in March 2021. In the first, he asked about the account balance and whether he'd pay interest if he repaid it in full. Unfortunately the recording stops very quickly and it's not clear if he was cut off or there was an issue with the recording system. In the second call, again Mr H said he wanted to pay off the full balance of his card. The operator was in the process of transferring him to a colleague to arrange this when the recording ends and Barclaycard says the next part of the call isn't available.

Barclaycard has also provided a recording of a call from Mr H April 2021. During this call, he again says he wants to pay off the full balance of the card but unfortunately the operator wasn't able to take payment. Mr H said he'd had the same problem when he called in March.

As no payments had been made since February 2021, Barclaycard wrote to Mr H in April and May about overdue payments. It then issued a default notice on 22 June and wrote to confirm the account had been defaulted on 29 July. Barclaycard has provided copies of these letters and a screenshot showing the debt was then sold to a third party in August 2021.

Our investigator didn't recommend the complaint should be upheld. Contrary to what Mr H had said previously, she didn't believe there was sufficient evidence to show he was misled about the status of his account in March 2021. If there had been any confusion about this, she felt the subsequent correspondence would have clarified this was not the case. She also felt Barclaycard was entitled to default the account when Mr H stopped making payments.

Mr H didn't accept the investigator's assessment. He says he tried to pay off the card in March and April 2021 and was misadvised at the time. He also said he's requested information from Barclaycard recently and hasn't received this.

The complaint has now been referred to me for review.

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've reached the same overall conclusions as the investigator, and for broadly the same reasons. If I haven't commented on any specific point, it's because I don't believe it's affected what I think is the right outcome. In considering this complaint I've had

regard to the relevant law and regulations; any regulator's rules, guidance and standards, codes of practice, and what I consider was good industry practice at the time.

I'm in no doubt that Mr H called Barclaycard in March and April 2021 with a genuine intention to pay off the balance of his card and wasn't able to do this. Barclaycard has told us this is likely because his card wasn't linked to a Barclays Bank profile and this limited the range of servicing options available to its staff. This situation is clearly demonstrated in the call in April 2021, for which the full recording is available.

In a conversation with our investigator, Mr H said he became irritated at that point and essentially thought that if Barclaycard wasn't going to take the money, he wasn't going to pay it. This is why he said he ignored the subsequent letters about the money owed before the account was defaulted and the debt sold.

While Mr H wasn't able to make payment over the phone, there were other options available to him. In particular, the operator he spoke to in April 2021 told him he could do this through his bank. He went on to explain how this would be done and provided the relevant information Mr H would need. For whatever reason, it appears he opted not to do this.

I do understand Mr H's frustration in the circumstances, but I can't support the approach he took. He was in debt to Barclaycard and had a responsibility to service that debt. There were still ways he could make payments and he was told about these. Because he didn't do so after February 2021, Barclaycard was fully entitled – after sending appropriate reminders and warnings as it did – to default the account and report this to the credit reference agencies with potential consequences for his ability to obtain credit in the future.

When his complaint was first referred to us, Mr H seems to have recalled that he was misled about the status of his account in March 2021 and told it had been defaulted at that time. It's clear from the information we've received, including the account statements that this wasn't the case and it's unclear why Barclaycard would say that. Unfortunately, I can't listen to what was discussed with Mr H at that time, but I share the investigator's view that the subsequent statements and other correspondence he received from Barclaycard would have cleared up any confusion on this point. I note Mr H says he ignored this correspondence but I don't think I can reasonably hold Barclaycard responsible for that.

It's for these reasons that I'm not upholding Mr H's complaint. I realise this outcome will be disappointing for Mr H and potentially leaves him in a difficult position, but I'm satisfied it's fair and reasonable in the circumstances.

Mr H has also referred to a request he made to Barclaycard for further information following a call with Barclaycard in July 2023. I've listened to that call and he was certainly given details about how to request information, but unfortunately I've seen no evidence to support his belief that he submitted such a request.

When our investigator asked Barclaycard about this at the end of November 2023, she was told it had no record of a subject access request from Mr H but that it would raise one and it gave her a reference number. Our investigator should be able to provide this reference number if Mr H needs it. But hopefully Barclaycard has now responded to this request and he has the information he wanted. If not, he can raise concerns about this as a separate complaint. Complaints about access to data and responses to information requests are more appropriately dealt with by the Information Commissioner's Office (ICO). Further details about the ICO and how to make a complaint are available from its website: <https://ico.org.uk/>.

My final decision

For the reasons I've explained, I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 9 April 2024.

James Biles
Ombudsman