

## **The complaint**

Mr P complains that after he reported the facts to it, J D Williams & Company Limited ("J D Williams") failed to remove from its records an account which his ex-wife fraudulently opened in his name.

## **What happened**

In February 2014, without his knowledge or consent, Mr P's then wife ("Mrs P") opened an account with J D Williams in Mr P's name and began to incur debts on it. Without his knowledge or consent, Mrs P also incurred debts with other companies either using accounts she opened in his name, or accounts which Mr P had himself opened.

It appears Mrs P initially made repayments to the J D Williams account. But at some point payments stopped and the account was passed to a debt collections company.

In July 2018, after Mr P found out what Mrs P had done, he contacted J D Williams asking it to remove all records in respect of the account from his name. J D Williams said it would either need Mrs P to admit fraud, or Mr P would need to report the matter to the police.

Mr P did report the facts to the police, and obtained a crime reference number which he shared with J D Williams. But nothing further happened at that stage.

In September 2019, Mr P again asked J D Williams to remove his involvement in the account from its records and his credit file. It said it would need to see a copy of the report Mr P had made to Action Fraud so that it could make a decision. Mr P wasn't satisfied with this response and complained to us.

Our investigator explained to J D Williams the background to this complaint – that Mr P was a vulnerable individual who at the time had been reliant on Mrs P. The investigator told J D Williams she was satisfied from her investigation of a number of similar complaints by Mr P that Mrs P had operated a number of accounts fraudulently without Mr P's knowledge or consent.

It appeared that at some stage Mrs P had paid off this debt. J D Williams said that in view of the information the investigator had now provided it would bring the debt back in house from the debt collections company. Once this was done it and the debt collections company, and would remove all reference to the debt, and the default, from Mr P's credit file.

The investigator told Mr P that the account was opened by Mrs P online. She accepted that J D Williams had made proper checks at the time, and there was nothing to make it think anyone other than Mr P was operating the account.

When Mr P told J D Williams in 2018 that the account had been fraudulently opened by Mrs P, it acknowledged what he was saying. It asked for further information in accordance with its procedures, but didn't hear anything more.

Since this service became involved, J D Williams had accepted that Mr P didn't open or operate the account. The action it had now agreed was what we would expect it to do. She didn't propose it should pay any compensation to Mr P.

Mr P thought that in the circumstances J D Williams should pay him a significant amount of compensation for the distress and inconvenience he had suffered. He asked for his complaint to be reviewed by an ombudsman. So it has been passed to me to issue a decision.

### **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 accept that the fact that the account was opened by someone else in his name, and defaults on the account appeared on his credit record, caused Mr P distress, and he has had to spend a lot of time getting the matter resolved. However, the person principally responsible for this is Mrs P.

Mr P blames J D Williams, first for letting her open the account and then for not correcting the position as soon as he contacted it. However, like the investigator, I don't think that when the account was opened there was anything to put J D Williams on enquiry that it wasn't Mr P operating the account.

J D Williams listened to Mr P when he approached it in 2018, and noted what he said in its records. However, in accordance with its procedures it needed some evidence that what he was saying was true. Mr P said he had approached the police, and gave J D Williams the crime reference number he had been given.

There is little information now available on J D Williams's files. But it seems J D Williams was expecting to hear the outcome of this approach, either from the police or from Mr P. It heard nothing more, either from the police or from Mr P, and so took no further action at that time.

When this service became involved and explained the extent of Mrs P's activities J D Williams quickly agreed to ensure that all reference to the debt, and the default, was removed from Mr P's credit file. This is the action I would expect it to take.

I've said that I don't think J D Williams was at fault in opening and operating the account. On the information available I can't say that it should have done more, or acted more quickly, when Mr P first approached it. When the full circumstances were explained to it, it quickly agreed to put matters right.

Once it has carried out the action it has promised, as set out below, I don't think it's appropriate for me to require it to compensate Mr P further.

### **My final decision**

My decision is that I uphold this complaint, and order J D Williams & Company Limited to:

1. bring the debt on the account back in house from the debt collections company; and

2. ensure that all reference to the debt, and the default, is removed from Mr P's credit file.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 9 June 2020.

Lennox Towers  
**Ombudsman**