

## **The complaint**

Mr O complains that Barclays has treated him unfairly when it's failed to remove information recorded against him.

## **What happened**

Mr O complained to Barclays in February 2022 after he identified it had recorded information on his National Hunter file. Barclays agreed to have this removed in its final response in June 2022 and Mr O believed this to be resolved. To apologies for any inconvenience experienced, Barclays offered Mr O £200.

In October 2022, Mr O was looking to re-mortgage his residential property to a better rate. He approached lender A for a decision in principle (DIP) which it provided. After this Mr O said it withdrew its offer to lend and didn't provide an exact reason why. Mr O checked his National Hunters file in January 2023 and identified the marker had not been removed by Barclays as it said it would.

Mr O complained to Barclays about its failure to do what it said it would. Barclays issued a second final response in March 2023 and said it would have the file amended and it offered £200 in compensation again.

In June 2023, Mr O took out a new fixed rate for his residential property with Barclays at 4.5%. He said this was taken because it was difficult to try and move to other lenders. He has said the interest rates on his buy to let properties have increased from around 1.5% to around 7% and he's needed to sell one of these to keep up with his financial commitments. He feels he has incurred losses due to Barclays not removing the information from his file when it said it would in June 2022.

Barclays said it accepted an error was made when it didn't remove the information sooner, but it didn't think Mr O had demonstrated this was the reason why he was unable to secure new lending and lower rates elsewhere. In the absence of being able to demonstrate this, it couldn't agree there was any direct financial loss.

Our investigator looked at this complaint and asked Lender A to provide details as to why it declined Mr O's application. Lender A said a DIP was provided but no full application was made by Mr O after this was issued. The DIP expired on 10 January 2023 without an application being made and it had not considered whether it would lend to Mr O. Because of this, he didn't think it could be demonstrated Mr O had lost out because of Barclays actions and failure to remove the marker. But he felt it was fair to say it had added avoidable distress and inconvenience and Barclays should increase the award offered to £400.

Barclays accepted the recommendation but Mr O did not. He said an application was made with another lender, lender B. This was declined because of the negative information recorded on his National Hunter file and but for this, he would have secured borrowing with it at a lower rate than he did with Barclays.

Our investigator looked at the complaint again and as with lender A, he made a third-party

information request to Lender B to determine whether, but for the incorrect information on Mr O's file, it was likely it would have lent to him. From the information provided, he wasn't persuaded it would have and as a result, his outcome remained unchanged.

Mr O's still feels the sole reason he was declined credit elsewhere was because of the marker on his National Hunter file and he's asked that the complaint be referred for 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've decided to uphold this complaint in part, in line with our investigator's opinion. I know Mr O will be disappointed by this, but I will explain why I don't think it is fair and reasonable to ask it to go further than this.

It is not disputed that Barclays failed to update Mr O's file when it said it would and this will have caused inconvenience which was avoidable with Mr O needing to chase to have this removed. With this being the second time he's needed to ask for this to be removed, I agree it is right for the award to be increased. I think £400 is a fair award, in line with what I'd expect to see for a repeated error and needing to deal with this.

As our investigator explained to Mr O, to determine if the impact of the marker remaining on his file has caused a financial loss, I'd need to be satisfied this is the reason why he was unable to obtain credit when he applied for it.

Lender A has confirmed that no full application was made so it did not consider whether it would provide Mr O with the borrowing he wanted. It indicated this might have been provided based on the DIP, but as no application was made it cannot be said information on Mr O's National Hunter file was the reason it didn't provide the lending.

Mr O did provide details of another application made to lender B which he said was declined without explanation. Our investigator asked lender B to confirm whether the application was declined because of the negative information on Mr O's file. Lender B was unable to confirm this was the sole reason for the application being declined. And it follows that I cannot say Mr O has lost out because of the negative information remaining on his National Hunter file. As it hasn't been demonstrated this was the reason that lender A or lender B was unable to provide the borrowing he wanted.

Overall, I think it is right that Barclays increases the award for the distress and inconvenience. But I am not persuaded it needs to go further than this as it cannot be determined the incorrect information is the sole reason why Mr O was unable to obtain credit elsewhere.

### **Putting things right**

If it hasn't already done so, Barclays should pay £400 to Mr O to recognise the increased distress and inconvenience when it failed to remove the incorrect information sooner.

### **My final decision**

For the reasons I've explained above, I uphold Mr O's complaint in part.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 14 March 2024.

Thomas Brissenden  
**Ombudsman**