

The complaint

Mr S complains Home Retail Group Card Services Limited trading as Argos Financial Services are unfairly reporting missed payments on his credit file about his credit card.

What happened

Mr S has explained during the pandemic he missed three payments towards his credit card in September, October and November 2020 – and Argos have reported that. He says unfortunately he lost his job at the time, and was made homeless, so didn't get Argos' letters. He's said all other lenders have removed missed payments from his credit file – but Argos refuse to and he thinks that's unfair.

Argos said they understood Mr S was unhappy with the markers they reported. They said Mr S was in an Emergency Payment Freeze which ended in August 2020 – and on 18 August 2020 they wrote to Mr S telling him his payments needed to be made again. And when his statement was issued on 22 August 2020 this also confirmed he needed to make his minimum payment. Argos added the 22 October 2020 statement asked for a minimum payment of £43.56 needed to be made by 20 November 2020 – and it wasn't. This was then followed by the November and December statements.

After this, Argos say Mr S called on 31 December 2020 to set up a payment plan of £527.72 per month, with the first payment due by 21 January 2021 – but this wasn't received. Argos said they're required to report accurate information, so overall didn't think they'd done anything wrong. They told Mr S he could record a Notice of Correction with the credit reference agencies (CRAs) to explain his position.

Unhappy with this Mr S asked us to look into things. One of our Investigators did so, but found Argos hadn't done anything wrong, so he had no grounds on which to ask Argos to remove these missed payment markers.

Mr S didn't accept this. He said he was suffering with severe depression at the time due to a family bereavement, and he didn't receive the letters Argos sent because he was forced to move out of that address for a period of time and stay with a family member. Because Mr S didn't accept our Investigator's outcome, the complaint's been passed to me to decide.

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 think it's important to firstly explain as a general rule I can only require Argos to remove the missed payment markers if I'm satisfied they've either made a mistake in applying them – or they've not acted fairly in keeping them on Mr S' credit file.

The Information Commissioner's Office explains that lenders such as Argos are required to report true and accurate information on people's credit files. Mr S accepts he didn't make the payments to the credit card account at the time – and has also confirmed he didn't contact

Argos either. So, in the absence of any contact I can't reasonably say Argos shouldn't have applied the missed payments – Mr S didn't make them, and they did tell him he had to. Our Investigator provided copies of the relevant letters to Mr S.

I do understand he's said he didn't receive them, but in order to hold Argos at fault for this, I'd need to see he'd told them he'd temporarily moved out of the property and given them another address. I've not been provided with any information that shows that – so, in the absence of this evidence, it seems Argos didn't know Mr S wasn't at the address they had for him. I can't hold Argos responsible for that.

The Financial Conduct Authority (FCA) who regulate financial businesses published guidance on how businesses need to react to the pandemic. So, I've also checked this to see whether the FCA would have required Argos to do anything more, or different, than what they did.

The FCA's 'Consumer Credit and Coronavirus: Additional Guidance for Firms' published on 30 September 2020 is the piece of guidance I've looked at – and specifically the section on reporting to CRAs. There isn't anything in here which requires Argos to have treated Mr S differently than the way they have.

So, bringing all of this together I can't say Argos have done anything wrong in reporting the missed payments.

I've also considered whether they're acting fairly in continuing to report them. I'm genuinely sorry to hear of the extreme difficulties Mr S had during this time – losing his relative and having to move out of his home while also losing his job were no doubt incredibly tough for him – all while dealing with the general difficulties the pandemic created for people.

In that sense Mr S absolutely has my sympathies. And I do understand his frustration that Argos won't simply agree when all his other lenders have. But, ultimately that is Argos' choice – and I've found nothing to say it's an unfair choice for them to have made.

The reason I say that is largely because they've acted correctly – but I've also not seen they were given an opportunity to act differently by knowing he'd moved. It was ultimately Mr S' responsibility to get back in touch with Argos once his existing payment plan came to an end – and unfortunately he left it too long before he did so.

I have noted Mr S is in a better place now and has since paid off the debt, but that doesn't mean the information Argos have reported is wrong, for the reasons I've mentioned above.

My final decision

For the reasons I've explained above I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 1 March 2024.

Jon Pearce
Ombudsman