

The complaint

Miss B is unhappy Experian Limited are refusing to speak to her over the phone about issues she has with her credit file.

What happened

Miss B has been trying to reach Experian about incorrect information on her credit file. Miss B says Experian have told her they can't speak to her over the phone because they'll only speak to customers, who pay for their subscription service, over the phone. Miss B has told Experian she can't afford to be a paying member and that it's unfair she isn't able to speak to them over the phone.

Miss B says she suffers from severe mental health issues and Experian acknowledge that Miss B has told them a mental health nurse visits her once a week. Miss B told us Experian have caused her upset in not speaking to her over the phone, resulting in Miss B bursting into tears. Miss B wants Experian to speak to her over the phone so she can discuss the issues she's having with her credit file.

Experian say customers who use their free service don't receive any phone support and that this support is only available to their subscription paying customers. Experian say as Miss B doesn't use their subscription service there are other ways she can contact them such as online, email or post.

In their file to our Service, Experian mentioned three other issues that they say Miss B complained to them about:

1. Lender "N" reduced the credit limit on her account which she says Experian are responsible for – Experian say they aren't responsible for this and that this was lender N's decision.
2. Lender "S" unfairly defaulted her account – Experian provided us with evidence to show they raised a dispute with the lender about this and that lender confirmed the information was correct. So, Experian wrote to Miss B in March 2024 letting her know of the outcome.
3. Lender "C" incorrectly applied arrears and late payments on Miss B's account with them which showed on her credit file – as with the above point, Experian provided evidence to show they raised this as a dispute for Miss B with the lender directly. But the lender confirmed the information was correct.

Experian explained with issues two and three that they aren't able to remove any information from Miss B's credit file without consent from the lender who provided the information to them.

Our Investigator looked into Miss B's concern about not being able to speak to Experian over the phone. In summary he said while he acknowledges Experian provide phone support to customers who pay for their subscription service, having considered what Experian know about Miss B and her vulnerabilities, Experian should adapt their communication and speak

to Miss B over the phone. Our Investigator also recommended Experian pay Miss B £100 compensation for the poor service she received.

Miss B accepted our Investigator's view, but Experian didn't. While Experian agreed to provide phone support to Miss B as an exception, they reiterated that this service is normally available for their subscription paying customers. Experian also said Miss B would need to obtain a copy of her current Experian credit report to be able to discuss anything showing on it with them. Experian disagreed with our Investigator's recommendation for them to pay £100 compensation as they said they didn't agree that they'd delivered poor service to Miss B. So, the complaint has been passed to me to decide.

I issued a provisional decision on the matter, setting out the below:

I've thought about whether Experian have acted fairly and reasonably in the individual circumstances of this case - taking into account applicable laws, relevant rules and regulations and what good industry practice looks like.

Those relevant rules include the Financial Conduct Authority's ("FCA") existing guidance on the fair treatment of vulnerable customers. This sets out expectations of firms and how they should identify and treat vulnerable customers who may have different service needs. In circumstances involving customers with different needs, firms should provide their customers with a level of care that is appropriate given the individual characteristics of the customers themselves. The guidance also explains that building flexibility and altering customer service processes should be considered to help vulnerable customers with individual needs.

I've also considered The Consumer Duty in this complaint. The Duty has been in force in relation to firms' regulated activities since 31 July 2023, so it's applicable in this case. The Consumer Duty was introduced by the FCA as a means of setting clearer standards of consumer protection across financial services requiring firms to put their customers' needs first. One of the things it makes clear is that firms should support customers in pursuing their financial objectives.

The Consumer Duty explains that firms should take particular care when communicating with consumers in vulnerable circumstances, taking account their needs. And that where possible, firms should offer multiple channels of communication, so vulnerable consumers have a choice. The Duty also mentions helping customers avoid foreseeable harm and adopting a flexible consumer support approach that takes account of the needs of customers with characteristics of vulnerability.

Experian say telephone support is only available to consumers who pay for their subscription service. But Miss B has told Experian she can't afford to pay the subscription fee and that due to her mental health issues, she'd like to speak to an advisor over the phone about her credit file. I don't find this request to be unreasonable, it's a service Experian obviously provide, and I don't think what Miss B is asking for is anything outside of Experian's capability.

I appreciate Experian have provided other ways Miss B can reach them such as online, email or post. But these other means don't meet Miss B's needs and Experian know this. Having considered what Miss B has told Experian about her vulnerabilities and mental health issues, an exception should be made for her.

The FCA's existing guidance also reiterates the need for firms to take additional care to ensure they meet the needs of consumers and that vulnerable consumers are likely to require support and adaptations more than other consumers as they may find some channels of communication challenging or stressful. I haven't seen anything to show me

Experian made any adaptations to the way they communicated with Miss B when she made a reasonable request to speak to them over the phone. Instead, they caused Miss B further upset by not making any adaptations to the way they communicate with her.

Experian more recently told us Miss B requested a set phone number for her to reach an agent of theirs directly. And that this isn't something they can offer to her. I haven't seen any evidence to suggest Miss B did ask for this. Instead, all available evidence shows Miss B has simply asked to communicate with Experian over the phone. In any case, I'm not persuaded that this is a service Experian provide to their paying customers, so I don't think it'd be a reasonable adjustment to require Experian to do this for Miss B.

Experian have also said that if Miss B wishes to speak about her credit report, that she should obtain a copy of her report before they're able to discuss any information showing on it with her. I can understand why Experian is proposing Miss B does this if she wishes to speak about specific things on her credit report. But regardless of this, I still think Experian should engage in the support Miss B is asking for over the phone.

Experian say they'll note on her complaint, as well as on her membership, which is visible to any of their agents, that she is provided with phone support despite not being a paying subscription member. And I think this is fair. I would expect Experian to put measures in place to ensure there isn't an instance where Miss B is told she isn't able to speak to someone over the phone as this would cause further distress to Miss B which isn't necessary.

The crux of Miss B's complaint is not being able to speak to Experian over the phone. However, for completeness, I've also looked into the three issues Experian say Miss B complained to them about information on her credit file.

I don't find Experian's explanation to be unreasonable in relation to lender N reducing her credit limit. Ultimately, a lender takes into account many factors when making their lending decisions. And I can't hold Experian responsible for a decision lender N has made.

In relation to the issue with lender S and C, when a customer raises a dispute about incorrect information being reported by a company on their credit file, Experian's role is to investigate this issue. And to do this, Experian may contact the company that reported the information to them and raise a dispute. A dispute can lead to information being verified, updated or deleted. Experian provided us with evidence to show that in December 2023, they raised disputes with both lender S and C about the issues Miss B complained to Experian about. The response from the lenders confirmed the information appearing on each account was correct on Miss B's credit file. So, I think Experian have acted reasonably here and in line with their policy.

Overall, it's clear from what Miss B has told us that she was caused a lot of upset by the issues she was having with Experian not speaking to her on the phone. Miss B says she suffers from mental health issues, which Experian are aware of, and this issue is causing her stress and inconvenience. So, because of that, I currently agree with our Investigator's recommendation to pay £100 compensation for the distress and inconvenience Miss B has experienced.

Responses to my provisional decision

Experian responded and said they'd provide Miss B with £100 compensation as directed in my provisional decision as full and final settlement of her complaint. And that they did follow their correct internal processes for dealing with her and so wouldn't change this in general. However, Experian said they could provide Miss B with phone support as an exception and

that they'll update their records accordingly. Experian also said as advised previously, Miss B would need to obtain a current copy of her credit file which she can obtain for free on their website.

Miss B responded and raised questions about what was appearing on her credit file in relation to the three issues she raised with Experian. Miss B said she was told the credit limit with Lender N was reduced because of Experian in 2023. Additionally, Miss B raised a point about her account with Lender S still being on her file, despite it defaulting six years ago. And that all her payments with Lender C are up to date as they told her to only pay what she could afford. But that they're giving different information to Experian.

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 considered what Experian said about following their correct internal processes for dealing with Miss B. However, as I've explained, taking into consideration the FCA's guidance on the fair treatment of vulnerable customers and the Consumer Duty, Experian ought to have made an exception here considering Miss B's vulnerabilities. And in Miss B's case, what she was asking for wasn't unreasonable nor outside of Experian's capabilities. So, I don't think following their usual processes was the right thing to do for Miss B in the circumstances here.

I note Experian have said that they will make an exception for Miss B and will provide her with phone support, and I remain of the opinion that this should happen. As previously explained, Experian should take the necessary steps internally to avoid Miss B being told she isn't able to speak to someone over the phone.

I've also considered the points Miss B raised. I haven't seen any evidence to suggest lender N reduced her credit limit directly because of Experian. And from what I know, lenders in general will take many factors, including their own criteria, into consideration when deciding credit limits. They won't only consider a credit file. So, I'm not persuaded Experian have done something wrong here.

Miss B has concerns about her account with lender S still appearing on her credit file despite it being defaulted six years ago. This is something she'd need to raise with lender S directly as the reporting of this account to Experian comes from lender S.

Lastly, I've thought about what Miss B said about her account with lender C. However, as above, Miss B would need to raise these concerns directly with lender C. It's not something I can hold Experian responsible for. As far as what's expected of Experian, when a dispute is raised, their role is to investigate the issue and they may raise the dispute directly with the company that reported the information to Experian. In this case, they did that. Experian raised Miss B's dispute with lender C about the late payment fees and arrears she felt shouldn't be appearing on her credit file. And lender C told Experian what was there was correct.

Overall, I require Experian to pay Miss B £100 compensation. Experian should also put measures in place, such as the note they said they'd add on her complaint and her membership, to avoid Miss B being told she can't speak to someone over the phone.

My final decision

For reasons explained above, I uphold this complaint and I require Experian Limited to pay Miss B £100 compensation.

I also require Experian Limited to put measures in place, such as the note they said they'd add on her complaint and her membership, to avoid Miss B being told she isn't able to speak to someone over the phone.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss B to accept or reject my decision before 16 December 2024.

Leanne McEvoy
Ombudsman