

The complaint

Mr D complains about information recorded on his credit file by Capital One (Europe) plc trading as Capital One.

What happened

Mr D had a credit card account with Capital One. In February 2025, Mr D began to experience financial difficulties with his outgoings exceeding his income. It wouldn't offer Mr D a repayment arrangement. It said this wouldn't change how it reported missed repayments and encouraged him to pay what he could afford. Mr D was then unhappy he received a message asking him to make a payment during the Breathing Space. Capital One apologised and said this wouldn't happen again, and explained it would still need to send him some letters about his account.

By May 2025, Mr D was able to bring his account up to date and maintain his contractual repayments, so the Breathing Space came to an end. Mr D then discovered Capital One had recorded missed repayments on his credit file

Capital One issued its final response in June 2025. It said it understood Mr D's complaint to be about missed repayment markers in March, April and May 2025. It confirmed no late payment was recorded in May 2025, and wouldn't remove the late payment markers as they'd been applied correctly. Capital One explained its Breathing Space helps customers who can't afford to set up an affordable repayment arrangement by suspending interest and charges.

Unhappy with this response, Mr D referred his complaint to our service and asked Capital One to remove the missed repayment marker from his credit file in May 2025 (he provided a copy of his credit file that showed Capital One recorded a missed repayment).

One of our investigators reviewed Mr D's complaint but didn't recommend it be upheld. They said Capital One had explained the breathing space wouldn't change the information reported on Mr D's credit file. It had provided information to show it hadn't recorded a missed repayment in May 2025. Our investigator thought Capital One was entitled to record missed repayments in March and April 2025, so didn't recommend it remove any adverse information recorded on Mr D's credit file.

Mr D asked for an ombudsman to review his complaint and reiterated his unhappiness that Capital One hadn't offered him a repayment plan. Mr D felt Capital One didn't explain it would still record adverse information on his credit file before it applied breathing space.

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 note Mr D asked our service to recommend Capital One review its procedures. Only the regulator, the Financial Conduct Authority, can tell Capital One to change how it operates.

My role is to review whether Capital One treated Mr D fairly once he notified them of his financial difficulties.

Mr D has complained that Capital One didn't offer him a repayment plan. In his messages to Capital One, Mr D said his expenditure exceeded his income. Capital One has to make sure a repayment plan is affordable and sustainable. As no plan would be affordable or sustainable with his outgoing exceeding his income, it wasn't obliged to set up a repayment plan. I think it treated Mr D fairly by suspending interest and charges. It may be helpful for Mr D to know that even if Capital One had offered him a repayment plan, it would still have been entitled to record missed payments on his credit file if his contractual payments weren't met.

I understand Mr D's complaint that he's a vulnerable customer and adverse information on his credit file can further limit his access to credit. Mr D has referred to the Debt Respite Scheme in his contact with Capital One, but this doesn't apply to his situation because he didn't enter the scheme. The Information Commissioner's Office sets out guidance that sets out that Capital One must ensure Mr D's credit file is an accurate reflection of his payment history. So, Capital One was right to say it was entitled to record missed payments in the months where the contractual repayments were not made, even if he paid what he could afford. Even if Capital One hadn't explained it would still record adverse information on Mr D's credit file before it applied Breathing Space, it's not clear what difference this would make; Mr D was unable to maintain his monthly contractual repayments so arrears would likely still have accrued and been recorded on his credit file.

I sympathise with the situation Mr D found himself in. However, I'm unable to ask Capital One to remove the missed repayment markers for March and April 2025 for the reasons set out above. I note Capital One sent Mr D a message after it applied breathing space and acknowledged the error. In the circumstances, I think an apology was reasonable. I've not seen any error on Capital One's part that I think warrants compensation.

My final decision

I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 2 January 2026.

Victoria Blackwood
Ombudsman