

The complaint

Mrs M complains that Bank of Scotland plc ('BOS') haven't reported information about her accounts to the Credit Reference Agencies ('CRAs') so she hasn't got a positive credit history.

Mrs M feels this has led to credit applications being declined, which was embarrassing, and missed opportunities for better financial deals.

Mrs M wants this issue to be rectified by BOS and to be paid compensation.

What happened

Mrs M complained to BOS about their lack of credit reporting and wanted this investigating, along with changes to her credit file and compensation.

BOS responded that Mrs M's accounts were opened before they started reporting to the CRAs, so they couldn't report data for these accounts. They noted that Mrs M had opened a new credit card with them in November 2024 and indicated that this account would be reported to the CRAs going forwards.

BOS accepted that Mrs M's concerns hadn't been addressed promptly, and they offered £50 compensation in recognition that their service fell below their expectations.

Mrs M referred her complaint to the Financial Ombudsman Service saying their approach was unfair. Mrs M felt BOS' policy of not reporting her older accounts to the CRAs negatively affected older people and was ageist. She was also concerned that her new account didn't have the credit limit she'd expected, and thought BOS should review this.

Our investigator sought further information from BOS but concluded that they'd acted fairly. Our investigator noted the new credit account would be reported going forwards and she thought BOS had fairly responded to Mrs M's complaint. Our investigator indicated that some of Mrs M's concerns would need to be raised as a separate complaint.

Mrs M wanted an ombudsman's decision. She said withholding positive data while retaining the ability to report negative data breached the Principles of Reciprocity and Principles 6 and 7 of the Financial Conduct Authority's handbook of rules and guidance ('FCA Handbook'). She wanted her entire complaint looking at as one, and asked how reliance could be placed on BOS' terms and conditions when they couldn't produce these.

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 taken into account any relevant law and regulations, the regulator's rules, guidance and standards, codes of practice and (where appropriate) what is considered to have been good industry practice at the relevant time.

Having reviewed the submissions and available evidence from both parties I have decided not to uphold Mrs M's complaint for broadly the same reasons as those reached by our investigator.

The role of the Financial Ombudsman Service is to resolve individual complaints based on what is fair and reasonable in the circumstances of each case. So it is not for this service to interfere with a firm's processes, systems or controls nor to fine or punish a business. Those are considerations for the Financial Conduct Authority ('FCA'), as the regulator.

I appreciate Mrs M's frustration that BOS haven't provided a copy of the terms and conditions for her old accounts. I don't think this is unreasonable, given the passage of time, but I accept it means Mrs M can't see in black and white that BOS omitted reference to credit reporting in these terms

Where evidence is incomplete, inconclusive or contradictory, I will reach my decision on the balance of probabilities – in other words, I'll base it on what I think is more likely than not to have happened given the available evidence and the wider circumstances.

I'm satisfied from BOS' evidence and submissions that they were not reporting to CRAs in relation to the accounts Mrs M opened with them many years ago. Mrs M's own testimony is that these were not reported to her credit file. As these accounts were opened before BOS started reporting to the CRAs I am persuaded it's likely BOS' terms and conditions for these accounts did not mention credit reporting.

This means I'm satisfied that BOS did not incorporate a contractual term notifying Mrs M that they'd report her data to the CRAs. In these circumstances I don't think it's unfair or unreasonable that BOS haven't reported Mrs M's data for these accounts to the CRAs.

I recognise Mrs M thought her data was being reported and was disappointed to learn this wasn't the case, but I don't think BOS gave her a false expectation here. I've considered Mrs M's submissions that BOS haven't communicated clearly or fairly with her but I wouldn't expect BOS to contact her about their lack of credit reporting as that would be akin to them saying that her terms and conditions remained the same.

I've considered Mrs M's submission that BOS' stance isn't fair to her as an older customer and she's been disadvantaged by having one of these older accounts. I don't think it's unfair for BOS to administer Mrs M's older accounts in line with the terms and conditions agreed with her at the time – which predated, and therefore didn't include a contractual provision for, BOS' credit reporting. If I have misunderstood the strength of Mrs M's submission and she'd like to complain about potential age discrimination, she'd need to raise this directly with BOS first.

Mrs M said she didn't need credit facilities but they were useful for consumer protection, and she'd lost out on good deals. She said she'd been embarrassed to be turned down for store cards, which she'd applied for as they often carried additional benefits. I can understand why Mrs M wanted BOS' support with improving her credit history, so she might access credit products in future.

BOS are under an obligation to deliver good outcomes for their retail customers as part of the FCA's Consumer Duty (Principle 12 in the FCA Handbook). This means I'd expect BOS to enable and support Mrs M with her financial objective which is to build up her credit history. I think BOS can demonstrate they've done this as BOS approved a new credit account for Mrs M in November 2024 and will report data for this account to the CRAs going forwards.

I recognise Mrs M wants BOS to backdate information on her credit file for her older accounts but that's not something BOS are willing to do at this stage, and not something I have the power to direct. BOS said this might change in future but I don't agree that's an admission that something's gone wrong.

I hope I can allay Mrs M's concerns that only negative data will be reported to the CRAs as this isn't the case. The Information Commissioner's Office expects BOS to report data to Mrs M's credit file that is "*fair, accurate, consistent, complete and up to date.*" This means BOS are obliged to report factual information that could be perceived as positive or negative. How favourably information is interpreted by potential lenders will depend on their own credit scoring, lending criteria and appetite for risk.

I am sorry that Mrs M is disappointed with her new account's credit limit as she feels this has been based on her credit file and not on her history of banking with BOS. I know this is something she's raised when referring her complaint to the Financial Ombudsman Service but I can't see that this was included in Mrs M's complaint to BOS in November 2024. Unfortunately this does mean Mrs M's complaint about BOS' lending decision will have to be raised separately before the Financial Ombudsman Service can consider it.

I can only uphold Mrs M's complaint if I find BOS have treated her unfairly and, having considered everything, I don't think they have. That means I am not going to ask BOS to take further action on this occasion.

My final decision

For the reasons I've outlined, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 7 October 2025.

Clare Burgess-Cade
Ombudsman