

## **The complaint**

Miss E complains Freemans Public Limited Company (“Swimwear”) reported inaccurate information to credit reference agencies and failed to amend her credit file on request.

## **What happened**

In April 2019, Miss E opened a running account credit facility with Swimwear. Miss E ran into financial difficulties and Swimwear defaulted her account on 3 March 2020.

On 17 March 2020, Miss E entered into an Individual Voluntary Arrangement (IVA) with her creditors. Swimwear continued to report the account as in default.

On around 13 December 2024, the IVA ended.

On 7 February 2025, Miss E emailed Swimwear to confirm the Individual Insolvency Register was updated that day and from 8 February 2025 the register will start showing her IVA as complete. She attached the IVA completion certificate and asked Swimwear to remove any inaccurate entries on her credit file.

On 10 February 2025, Swimwear told Miss E her credit file was updated to show a correct discharge date of 13 December 2024. And on 3 March 2025, confirmed her credit file had been updated to reflect the debt had been partially satisfied.

Miss E maintained throughout February and March 2025 that there were still inaccurate entries on her credit file. She said Swimwear continued to inaccurately report “late payment markers” to her file after she entered into her IVA in March 2020, as well as in January and February 2025, unlike her other creditors. She also complained that Swimwear ought to have logged her complaint earlier. She referred her complaint to our service.

Our investigator concluded Swimwear had correctly reported Miss E’s account to the relevant credit reference agencies (CRAs). And as soon as it was put on notice that her IVA had ended, it updated its internal records and accurately reported this to the CRAs within a reasonable time. He said Swimwear could have logged her complaint earlier, but he didn’t think the impact on Miss E warranted compensation.

As Miss E disagreed, the complaint has been passed to me for a 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.

This includes the relevant laws, regulations, guidance and standards, codes of practice and good industry practice. And where it’s unclear what’s happened, my conclusions are based on what I think is most likely to have happened given the information available.

I've summarised the complaint in my own words, and I won't be responding to every argument. No discourtesy is intended by this. Our rules allow me to do this given the informal nature of our service. If I've not mentioned something, it isn't because I've ignored it. Rather, I'm satisfied I only need to focus on what I consider key to reach a fair outcome.

#### Credit file reporting after Miss E entered into an IVA

Swimwear recorded a default on 3 March 2020, shortly before the IVA was approved on around 17 March 2020. That means both the default and the IVA should fall off Miss E's credit file in around March 2026.

Miss E doesn't dispute the account was correctly defaulted at the right time. Her complaint is that because she kept up with the agreed repayments under her IVA, Swimwear should not have continued to report adverse information to the CRAs. In support, she provided screenshots of her credit file showing the continued reporting of "D" default markers to the CRAs during the period she was in an IVA.

While I appreciate her concerns these markers might be indicating she had been "missing payments", I don't find that to be the case here. Once the account was defaulted, the status shown in Miss E's subsequent monthly snapshots simply show the account remained in default. Although Miss E sees a series of "D" markers, there is only one default date — the one recorded on 3 March 2020. This doesn't mean a new default was added each month, nor does it reflect Miss E missing her agreed repayments under her IVA.

I understand Miss E feels Swimwear should have reported her account in the same way as her other creditors. But different lenders may report in slightly different ways and that, by itself, doesn't mean Swimwear's reporting was wrong. What matters is whether Swimwear's entries are a fair and accurate reflection of how the account was managed. I think they were.

In short, I don't find Swimwear reported wrong information to the CRAs following Miss E entering into an IVA.

#### Swimwear's actions after the IVA ended on 13 December 2024

Miss E says her IVA ended on 13 December 2024, but Swimwear failed to amend her credit file and continued to report incorrect information to the CRAs in January and February 2025.

In response, Swimwear said it hadn't been made aware that the IVA had completed before Miss E contacted it on 7 February 2025

I've not seen any evidence that Miss E or anyone else had sent Swimwear the IVA completion certificate, or otherwise notified it that the IVA had completed before Miss E emailed Swimwear on 7 February 2025. Additionally, the email itself suggests the Individual Insolvency Register also hadn't been updated until that point — so even if Swimwear had checked the IVA register earlier, it wouldn't have discovered the IVA had ended.

So, on balance, I think it's more likely than not that Swimwear couldn't reasonably be expected to know the IVA had ended before Miss E got in touch on 7 February 2025 – and couldn't reasonably be expected to have taken any action before this date. It follows that I don't find Swimwear acted unfairly between 13 December 2024 and 7 February 2025.

When Miss E told Swimwear on 7 February 2025 her IVA had ended, Swimwear updated Miss E's credit file to show a correct discharge date of 13 December 2024 and informed her of this on 10 February 2025. It also reported the account as "partially satisfied", as it was required to, and confirmed on 3 March 2025 the required updates had taken effect.

Taking all this together, I don't think it's fair to say Swimwear acted unfairly in the way it reported information to the CRAs in January and February 2025, given the information available to it. And I'm satisfied Swimwear updated its internal records and the information it supplied to the CRAs within a reasonable time of being told the IVA had completed.

### Customer Service

Miss E says Swimwear failed to log her complaint after she asked it to on 15 February 2025, and only treated her concerns as a formal complaint after she'd followed up multiple times and involved our service.

In her more recent submissions, she said having to ask repeatedly for her complaint to be logged, and not having this done or even acknowledged until our service became involved, caused her distress and inconvenience. She also feels Swimwear's failure to give her details of her referral rights meant she could not raise her concerns with our service earlier. I understand she is seeking compensation for this.

I've seen Miss E's emails to Swimwear in February 2025. In them, she clearly expresses dissatisfaction about how her account was being reported to the CRAs. She also says she would take her complaint to the Financial Ombudsman Service if Swimwear didn't resolve matters. Swimwear accepts it should have logged a complaint at that stage. But it says it continued to engage Miss E, updated her credit file correctly in good time once it knew the IVA had completed, and told her when those updates had been made — so it doesn't think compensation is warranted.

Swimwear should have ideally logged a complaint around mid-February 2025, after it realised Miss E was still unhappy with what it had done and would have wanted to refer the matter to our service. Not doing so would have caused Miss E some distress.

However, I also note that before the final response was issued, Swimwear continued to engage with Miss E, updated her credit file to show the IVA discharge, and marked the account as partially satisfied. I also haven't found any evidence that Swimwear purposely obstructed Miss E from raising a complaint – rather, I think it's more accurate to say Swimwear simply didn't view Miss E's concerns as a formal complaint. If she had formally asked Swimwear to raise a complaint, I think it's likely it would have.

As I explained above, I've also not found Swimwear to have mis-reported the account or failed to correct inaccurate information within a reasonable time. And I don't think any delay in logging the complaint delayed the updates to Miss E's credit file.

While I appreciate Swimwear's failure to log Miss E's complaint upset Miss E, for the same reasons our investigator gave, I don't think the distress and inconvenience caused is of a level that warrants compensation. So I'm not recommending Swimwear do anything further.

### **My final decision**

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss E to accept or reject my decision before 31 December 2025.

Alex Watts  
**Ombudsman**

