

The complaint

Mr O complains about a fraud prevention marker recorded on the national fraud database by AutoMoney Limited trading as AutoMoney Motor Finance (“AMF”).

What happened

In November 2023, an application for car finance with AMF was started using Mr O’s personal details. As part of the application, AMF asked for verification of Mr O’s identification and current address. AMF also asked for a copy of Mr O’s wage slips to support what was said about his income.

After reviewing the application, AMF say they noticed a discrepancy on Mr O’s wage slips, in that they say the figures had been altered. So, AMF declined Mr O’s finance application and went on to make a filing for a false application, with the national fraud database.

Around two years later, Mr O says he was declined credit from another lender. To try and sort things out, Mr O says he checked his credit report and discovered the false application filing. Mr O didn’t want the filing to remain on his credit file and complained to AMF to get it removed. He said a broker had made the application in his name and altered the wage slips without Mr O’s knowledge.

In their final response to Mr O’s complaint, AMF said the false application marker was added correctly and should remain. Specifically, AMF said Mr O was aware of the wage slips used in the application and that they contained false information. Mr O didn’t accept AMF’s response and brought his complaint to us.

One of our investigators looked into Mr O’s case and found that AMF had treated Mr O fairly. He said it was reasonable for AMF to have concluded that the wage slips used in the application had been altered. And that it was likely Mr O was aware of the documents used. So, the investigator said it was fair for AMF to have filed a false application marker with the national fraud database.

Mr O didn’t agree. He said AMF’s actions were not proportionate to what had happened. He said it was the broker who had likely attempted to change the information on his wage slips.

The investigator didn’t change his conclusions and Mr O’s complaint has now been passed to me to make a final 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.

Firstly, I’m very aware I’ve summarised this complaint very briefly, in less detail than has been provided, and largely in my own words. No discourtesy is intended by this. Instead, I’ve focussed on what I think is at the heart of the matter here. Namely, did AMF treat Mr O fairly when the application for finance was submitted?

If there's something I've not mentioned, then I haven't ignored it. I've not commented on every individual detail. I've focussed on those that are central to me reaching what I think is the right outcome. This reflects the informal nature of our service as a free alternative to the courts.

From what I've seen, this case is about an application for either a hire purchase or conditional sale agreement in Mr O's name. These types of finance are a regulated financial products. As such, we are able to consider complaints about them.

The fraud prevention marker

The type of marker that AMF asked to be applied relates to the discrepancies they found during Mr O's application. To file such a marker, AMF are not required to prove beyond reasonable doubt that Mr O is guilty of a fraud or financial crime. But, they must show that there are grounds for more than mere suspicion or concern.

The National Fraud Database's guidance says:

- *"There must be reasonable grounds to believe that an identified fraud or financial crime has been committed or attempted; and*
- *The evidence must be clear, relevant and rigorous such that the member could confidently report the conduct of the subject to the police."*

So, the relevant finding for me to make is whether I think there is sufficient evidence to conclude that Mr O provided incorrect information to try and secure borrowing. And in relation to this, where AMF would be able to escalate their concerns to the National Fraud Database.

The finance application

Both Mr O and AMF have provided us with the details used in the finance application. I can see that as well as Mr O's personal details, two wage slips from October and September 2023 were sent to AMF. I think it then follows that AMF took these details in good faith and performed their own background credit checks. I think this is common practice with most lenders.

AMF say the figures on Mr O's wage slips were inconsistent and didn't match what they had found during their own checks on Mr O's credit worthiness. So, I've considered those documents to decide if AMF had enough evidence to take action to place a fraud prevention marker with the National Fraud Database.

Mr O has provided us with a full copy of his credit file and some documents covering the period around the lending application with AMF. I've compared those documents to the information held by AMF from 2023, and I can see where the 'year to date earnings' do not follow the normal pattern. I say this as the earnings show as decreasing, rather than increasing, as might be expected. Overall, I can see there are inconsistencies with the documents used, which I think would have caused AMF significant concerns.

I'm aware that at times Mr O has explained that a broker made the application to AMF without his consent or knowledge. At other times, Mr O has mentioned that he knew about the application and the documents provided to AMF. Indeed, AMF have provided evidence to suggest that Mr O's correct contact details and identification were used throughout several enquiries he had made with them from 2023 onwards.

With this in mind, I don't think Mr O has been consistent with his testimony to either AMF and us. And I think this impacts the strength of Mr O's argument, in that I'm persuaded it's likely he was aware of the application and the documents used to support his income.

On balance, I agree that it isn't clear from the wage slips where Mr O's income can be calculated. So, I don't find the wage slip used to be reliable. Overall, I think some of the information submitted to AMF as part of Mr O's lending application was enough for AMF to find they had received false information. I think that information was clear at the point AMF declined to lend to Mr O. In so far as they could confidently pass the information to the National Fraud Database.

Aside from the wage slips themselves, Mr O has told us about the difficulties he's had with opening a bank account and getting access to credit since the filing happened in 2023. I empathise with the very troubling circumstances he has explained and I agree that the last couple of years must have been a worrying time.

I can also understand why Mr O would like AMF to take steps to remove the fraud marker now, as he says it's impacted him for long enough. But, I've found that AMF's action to go ahead with the filing were fair. So, I don't think it would be reasonable to require AMF to remove the fraud marker sooner than they might ordinarily do so.

Summary

Having considered everything, I think AMF treated Mr O fairly when they processed the application for car finance. And I think they were able to rely on the information submitted as part of that application. I also think AMF had reasonable concerns about some of the documents provided by Mr O, such that they were able to apply a fraud prevention marker with the National Fraud Database.

In all the circumstances, I don't think what Mr O has said about the information used in the application, means AMF should remove the fraud prevention marker. While I understand what Mr O says about how the marker impacts his personal circumstances, I think AMF have treated him fairly.

My final decision

My final decision is that I don't uphold Mr O's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 10 February 2026.

Sam Wedderburn
Ombudsman