

The complaint

Mr K complains that Santander UK Plc reported him to CIFAS, a fraud protection database, in connection with a mortgage application.

What happened

Mr K and his wife applied jointly for a mortgage with Santander. They say they applied through a broker, who submitted everything on their behalf.

Santander assessed the application. It decided not to lend. And it reported to CIFAS that false information had been included with the application. This complaint is about the marker reported against Mr K. The marker against his wife is the subject of a separate complaint.

Mr K says that he gave correct and true information to the broker. If false documents were then submitted, that must have been done by the broker without his knowledge or consent. He didn't set out to mislead Santander. Because of the marker he's been unable to apply for a mortgage with other lenders.

Santander said that the application appeared to have been submitted by Mr K himself. It wasn't aware that a broker was involved. It had told Mr K that it was his responsibility to make sure everything was true and accurate and that he should submit everything himself without third party help. It said that it had given Mr K a code so he could upload things securely. Mr K had shared that code with the broker despite being told not to disclose it to third parties. It said that it had acted fairly in reporting Mr K to CIFAS, because he had made a mortgage application supported by false information.

Our investigator didn't think the complaint should be upheld. So Mr K asked for an ombudsman to decide things.

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.

Mr K says that he was referred to a mortgage broker by a third party. He has said he never met the broker but dealt with him by email and messaging, but has also said he met the broker once in a coffee shop. He says he gave the broker information needed for the application, including his genuine bank statements. He is not from the UK originally and English is not his first language, and he is unfamiliar with the UK financial system. He acted in good faith and relied on the broker to assist him. He did not know the broker had submitted false information.

I've reviewed all the evidence. I'm satisfied that a fake bank statement was included with the mortgage application. Mr K himself says he doesn't bank with that bank. And the bank confirmed to Santander that the account wasn't genuine. Therefore I'm satisfied that an application supported by false evidence was submitted to Santander.

In order to make a report to CIFAS, Santander should have a reasonable suspicion that Mr K has committed or attempted fraud in connection with the mortgage application.

I'm satisfied it was reasonable for Santander to have made the report. It had received a mortgage application in Mr K's name. It was supported by a fake bank statement. The application appeared to have been made by Mr K himself, not by a third party. Santander therefore had reasonable grounds for suspicion.

I've also thought about whether there is new evidence available now, which wasn't available to Santander at the time, that means the marker should fairly be removed now.

I'm not persuaded that it would be fair to ask Santander to remove the CIFAS marker. I've thought carefully about what Mr K has said. As I say, there's good evidence that a fraudulent mortgage application was submitted. So it would only be fair to ask Santander to remove the marker if there are no reasonable grounds for suspecting that Mr K knew about that.

I've looked at what Mr K says are his genuine bank statements. They only show a small number of transactions – there's no rent or bill payments, for example. They do show what appears to be a salary payment of £1,364. That's around £4,000 less than the income declared on the mortgage application. According to the copy payslip she sent the investigator, Mr K's wife's salary was around £1,000. Mr K wanted to apply for a mortgage of around £390,000 to buy a property worth around £430,000. The mortgage payments would be around £2,000 per month – which appears to be almost all Mr K's household income. Based on what he says is genuine financial information, it's difficult to see how he expected that to be affordable.

Mr K told Santander that he communicated with the broker by WhatsApp and that the messages were automatically set to delete so he didn't have copies.

Mr K has given us screenshots of WhatsApp messages. These seem to date from the time of the application. They show Mr K providing what seem to be his correct bank statements. But the messages are to the person Mr K says recommended the broker, not the broker himself. And the messages that have been provided are individual screenshots not a full downloaded conversation.

I've not seen any communication between Mr K and the broker – only emails from the broker to the selling estate agent explaining that the mortgage application had been refused. Based on those emails, it does seem that there may have been a broker involved. And that broker may have submitted the mortgage application, although doing so as if it came from Mr K direct. But in the absence of any evidence of messages between Mr K and the broker, I can't know what Mr K said to, or sent to, the broker.

I've taken into account what Mr K has said about his lack of understanding of financial procedures and that English isn't his first language. I accept it's more likely than not that a third party was involved in the application. But that's not enough for me to ask Santander to remove the marker. I would also need to be persuaded that there's no reasonable basis for suspecting that Mr K knew false information was being submitted.

I don't think I can safely find that. Fairly reporting a CIFAS marker doesn't mean that there's proof beyond reasonable doubt that Mr K knew about the false bank statement. It just means that there are reasonable grounds for suspecting that he did. While I can't know for sure whether or not Mr K knew, I'm satisfied that it's reasonable for Santander to suspect that he might have done. That means I can't fairly ask it to remove the marker.

My final decision

My final decision is that I don't uphold this complaint.

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

Simon Pugh
Ombudsman