

complaint

Mr G complains that Clydesdale Bank Plc put adverse information on his credit file after an unknown person tried to pay a fraudulent cheque into his current account. He says the bank closed his savings and current accounts after this and he has been unable to open an account elsewhere.

background

Mr G says an attempt was made to pay a fraudulent cheque into his account in 2012. He says the bank called him about it, but was vague about the details of the transaction in question – it didn't say that a cheque for more than £5,000 had been deposited. As Mr G was expecting some money to be paid into his account by a relative at the time, he told the bank to proceed with the payment.

Mr G says he was asked to go into his local branch after this to close his accounts. He went in with his mother to do this. He complained about what happened after he was unable to open a new account. The bank recorded a warning on CIFAS, the fraud avoidance database. He wants the warning to be removed.

Our adjudicator didn't recommend the complaint was upheld. She considered the bank followed the correct procedure when it put information about the cheque on Mr G's credit file. Mr G disagreed with this. His representative says the bank hasn't treated him fairly. She questions why it didn't contact the police, and asked us to listen to the call between the bank and Mr G on the day the cheque was deposited. The bank says it doesn't have a record of this call because phone calls from its branches aren't recorded. It says the member of staff that called Mr G says she told him she was calling about a cheque, and that he was evasive.

Mr G's representative says he has been very distressed by what's happened and put to significant inconvenience because he doesn't have access to a bank account.

my findings

I've considered everything Mr G and the bank have said and provided to decide what's fair and reasonable in the circumstances of this complaint.

The bank made a commercial decision to close Mr G's accounts at short notice and record a CIFAS warning. It says it's unable to remove the information from his credit file as it followed its procedures correctly. It did this after it called Mr G and was told to process the fraudulent cheque.

I consider it was neither unreasonable nor unusual for the bank to record a CIFAS entry on Mr G's credit file in the circumstances. I acknowledge he says he didn't have anything to do with the fraudulent cheque. But the bank would've considered why a fraudster, unknown to Mr G, would've paid a cheque for over £5,000 into his account, or how such a person could've obtained information about his account without his permission. This hasn't been explained, but Mr G's representative has suggested Mr G might've been a victim of identity fraud. Mr G's representative says that the information shouldn't have been recorded on his credit file before Mr G is found guilty of being involved in what happened. But I'm satisfied the bank was entitled to record such information in the circumstances.

I don't underestimate Mr G's strength of feeling. But taking the matter as a whole I don't consider the bank has acted unreasonably, or that it should be required to remove the information from his credit file.

It is open to Mr G to contact CIFAS if he wants it to investigate separately.

my final decision

My final decision is that I do not uphold the complaint.

Laura Forster
ombudsman