

## **complaint**

Mr A complains that Vanquis Bank Limited recorded a default on his credit file without his knowledge. He wants the default removed.

## **background**

A default was recorded on Mr A's credit file in 2013 by Vanquis as he had failed to make payments on his credit card account. In 2016 Vanquis sold the credit card debt to another business.

Mr A says that he only became aware of the default when the business who bought his debt wrote to him. He asked Vanquis to remove the default. Vanquis said that it sent him a notice of default in 2013, after he failed to make payments on his credit card account. That notice said a default might be filed with the credit reference agencies if he failed to comply with the notice.

Mr A says that he was away from his house at times in 2012 and 2013 and that he didn't receive the notice of default. He also said that he hadn't been well at the time and was suffering financial difficulty.

Our adjudicator thought that Vanquis had acted fairly. It had sent the notice and other letters and statements to Mr A's address. It didn't know he hadn't received them. There was also no evidence to show that Mr A had contacted them to say he was experiencing financial difficulty or that Vanquis could have known this. The default was correctly recorded because Mr A had not made payments as required. So she couldn't ask Vanquis to remove it.

Mr A asked for a decision from an ombudsman. He thought it was unfair that Vanquis had recorded a default when his other creditors hadn't.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I can see that Mr A wasn't well around the time the notice of default was sent to his address and that it must've been a difficult time for him. But I'm afraid I will have to disappoint him and agree with the adjudicator, for much the same reasons.

Vanquis says it sent Mr A the notice saying it may put a default on his file. Mr A says he didn't receive it.

But the bank has provided information showing it wrote to Mr A at the address it had for him. It is not responsible if Mr A was not at the address. I've no reason to think that the bank didn't send the notice in the way it said it did. So I don't think I can fairly say that Vanquis didn't do what it had to do before recording the default.

Mr A didn't make the payments on the account, so Vanquis was entitled to record a default on his record after the notice was sent. At the time it was recorded on his credit file it accurately recorded information about the status of the account, so I can't ask them to remove it.

I understand that Mr A says as well as being ill, he was experiencing financial difficulty at the time. But Vanquis says that it wasn't told this by Mr A, and Mr A doesn't say that he did tell them. I can't see anything on the file that suggests Vanquis should have known Mr A was experiencing financial difficulty, so I can't ask them to do anything because of that.

Mr A did reach an agreement to pay the debt with a debt collection agency later. But this was after the default was recorded. So I can't say that the default was incorrectly recorded at the time.

Mr A doesn't think it is fair that Vanquis recorded a default on his file, when other creditors didn't. I understand that he is upset by this, but as I have said Vanquis were entitled to ask the default be recorded on his file and I can't ask them to remove it just because other creditors took a different decision.

I know that this will disappoint Mr A, but I agree with the adjudicator that Vanquis has acted fairly, and I won't be asking them to 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 Mr A to accept or reject my decision before 21 August 2017.

Helen Wheatley  
**ombudsman**