

complaint

Mrs D complains Close Brothers Limited are unfairly pursuing her for a debt which is not hers.

She would like any trace of this debt to be removed from her credit file and to be compensated.

background

Mrs D received notice of some finance which had been taken out with Close Brothers in her name – she hadn't applied for this but was being asked to repay it. She says this wasn't the first time this had happened and that fraudsters had used her details to obtain finance with Close Brothers before.

She complained to Close Brothers – but it did not uphold her complaint. It said it had approved the finance on the advice of the broker who had completed the application.

When Mrs D brought the complaint to our service, our investigator did not think she had been fairly treated. She asked Close Brothers to remove any trace of finance which Mrs D had not applied for, place a protective marker on CIFAS in order to protect her from future fraudulent applications and pay £350 in compensation.

Mrs D agreed to this outcome but Close Brothers did not. In response to the investigator's view, it challenged for the first time, whether Mrs D was in fact an eligible complainant.

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 have corresponded with Close Brothers about the eligibility of Mrs D as a complainant – and it now concedes the point. It also accepts the offer of compensation of £350 and the removing of any details from Mrs D's credit file. So what's now left for me to decide is the remainder of the redress.

Close Brothers submits it is unable to record the protective marker with CIFAS as it has no relationship with CIFAS. It suggests paying Mrs D the £25 needed so that she is able to record the marker herself.

Mrs D says this is just another example of Close Brothers being obstructive and unwilling to help her.

I've thought about how the marker should be resolved and I think if Mrs D were to place the marker herself then she can be certain that it has been done. I can see she clearly feels Close Brothers have not been proactive in dealing with her complaint – so this way, she can be satisfied she has actioned it herself. So, I think a fair resolution is for her to do this and for Close Brothers to compensate her for it.

my final decision

My final decision is that I uphold this complaint.

Close Brothers Limited should:

- remove all traces of this finance agreement from Mrs D's credit file;
- pay Mrs D £25 as reimbursement for the protective CIFAS marker
- pay compensation of £350 for the distress and inconvenience caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D to accept or reject my decision before 5 July 2020.

Shazia Ahmed
ombudsman