

complaint

Mrs S complains that HSBC Bank plc unfairly put a default marker on her credit file. She'd like it removed.

our initial conclusions

Our adjudicator didn't uphold the complaint. She didn't find HSBC had done anything wrong. Mrs S doesn't agree. She feels the default is unfair. She says she hasn't used the account for some years. And she was never given the opportunity to pay off the outstanding debt.

my final decision

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

There's no dispute that there was an outstanding debt on a joint account Mrs S held with her ex husband. And that this has led to a default being put on Mrs S's credit file.

I sympathise with Mrs S's situation. She's had difficult personal circumstances to deal with for some time. She doesn't think it's fair that a debt on a joint current account she held with her ex husband has led to a default on her credit file. She says it's her ex husband who has been using the account not her. But the account is a joint account in Mrs S and her ex husband's names. So unfortunately both are liable for any debts on the account. I don't think the information HSBC put on the credit file is wrong so I can't fairly tell it to change it.

Mrs S says she's never had any correspondence from the bank about the debt. And she feels it's unfair she's never been given a chance to pay off the debt. I've seen the many letters HSBC sent to Mr and Mrs S about the overdraft. Mrs S says she never got them as they went to her ex husband's address. But she's told us that she didn't update her address details with the bank. So I don't think HSBC is at fault here.

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

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs S either to accept or reject my decision before 9 November 2015

Bridget Makins

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.