

complaint

Mr M says that Bank of Scotland Plc, trading as Halifax, has incorrectly recorded a default marker against his credit file. He would like it to be removed.

background

When Mr C had difficulty in obtaining credit, he checked his credit file and noted a default marker had been recorded by Halifax.

He contacted Halifax and told them that this had been recorded incorrectly and without notice. He asked for it to be removed.

Halifax refused. It said that the marker was an accurate reflection of Mr M's account.

When Mr M bought his complaint to this service, our adjudicator thought that the marker had been applied without any notice and so asked Halifax to remove it. She also asked that it pay Mr M £100 compensation.

Again, Halifax refused. It re-iterated its response to Mr M by saying that the marker was applied correctly.

So, Mr M asked for an ombudsman's decision.

my findings

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

Halifax has provided a number of conflicting accounts to both Mr M and this service.

In its final response to Mr M, it refers to an unauthorised overdraft between 24th November and 1st December 2014 as being the reason why the default was applied. It provided no evidence of the default notices.

In its initial submissions to this service, it again refers to an unauthorised overdraft. But says that it sent two warning letters to Mr M – dated 12th and 19th November (seemingly **before** the account went into an unauthorised overdraft).

Having received the adjudicator's view on the complaint, Halifax then respond in relation to action taken in 2015 and whilst it submits that Mr M received all of the required warning letters, I am yet to see a notice of its intention to issue a default.

I am afraid that the conflicting information leads me to question exactly how much care and attention Halifax has put into investigating and responding to this complaint.

As I have seen nothing to suggest that this default marker was placed on Mr M's credit file with the appropriate warning and notice, I uphold Mr M's complaint.

my final decision

My final decision is that Bank of Scotland Plc, trading as Halifax, must remove the default marker applied to Mr M's credit file forthwith. It must also pay Mr M £200 in compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 15 February 2016.

Shazia Ahmed
ombudsman