

## **complaint**

Mr B complains that GE Money Home Lending Limited reporting of his mortgage with credit reference agencies (CRAs) as being in default does not accurately reflect the true position.

## **our initial conclusions**

The adjudicator recommended the complaint be upheld. Although GE took possession of the property, which justified the initial registration of a default with CRAs, she said that because Mr B cleared his arrears in full, was allowed to return the property and has maintained his payments in full ever since, the entry should be removed and replaced with a record of the current payment history. GE disagrees, saying it has stuck to the relevant principles governing the reporting of credit information.

## **my final decision**

To decide what is fair and reasonable in this complaint, I have considered everything that Mr B and the business have provided. Sometimes, a business following the correct procedure can still produce an unfair outcome for its customer. That is what has happened here. It is true that Mr B's home was taken into possession some years ago, but it did not remain that way. Mr B cleared his arrears, the property was returned to him, and the mortgage has been conducted satisfactorily ever since. Potential creditors viewing Mr B's credit file ought fairly to see that, and presently they do not.

**My final decision is that I uphold this complaint, and to settle it, direct GE Money Home Lending Limited to remove the current entry and replacing it with a record of the payment history as it presently stands.**

**Under the rules of the Financial Ombudsman Service, I am required to ask Mr B either to accept or reject my decision before 18 March 2015.**

*Jeff Parrington*

*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**

I appreciate GE believes it has followed the Information Commissioner's Office guidance correctly, but that very document also states: *"A record lodged with a CRA must be a reliable reflection of an individual's credit standing."*

### **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.