

## **complaint**

Mr S has complained Lowell Portfolio I Ltd won't update his credit record even though they've agreed to write off his debt.

## **background**

Mr S had two credit card debts which Lowell took over. Lowell decided not to pursue Mr S for the money outstanding but defaults remained on his credit record. After not getting anywhere with Lowell, Mr S brought his complaint to the ombudsman service.

Our adjudicator agreed with Lowell we wouldn't ask them to remove the defaults on Mr S's record but did ask them to show they'd written the debts off. Lowell didn't believe they had to do this and disputed this was Mr S's complaint. Mr S has asked an ombudsman to review his complaint.

## **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 did try to phone Lowell a few times to explain my view on this complaint. Unfortunately the phone went unanswered.

So it's worth re-stating what our adjudicator confirmed. We wouldn't recommend removing the defaults from Mr S's record as there's no dispute he defaulted on those two debts. I'm satisfied that information held on his credit record is correct.

Lowell decided to stop asking Mr S for the rest of the money owed. I don't agree with their view this shouldn't be reflected on his credit record. I believe there is scope for any creditor to show the debt as satisfied or written-off. And I've seen what one of the three credit reference agencies suggests would be appropriate. In this case I believe that would be an accurate record and Lowell should update Mr S's records accordingly.

Lowell has suggested this wasn't the heart of Mr S's complaint so why should they do something that wasn't what he wanted. Firstly Mr S now accepts we wouldn't ask a company to remove defaults in the same situation as he finds himself. And our approach is about getting the right result. I'm satisfied having the correct information on his record is the fair result for Mr S so why wouldn't Lowell agree to do this.

## **my final decision**

For the reasons I've given, my final decision is to instruct Lowell Portfolio I Ltd to update the information on Mr S's credit files about these two debts. They should make sure they reflect Lowell aren't asking for any further money from him and the debts are written off.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 18 January 2016.

Sandra Quinn  
**ombudsman**