

complaint

Mr G complains that Barclays Bank Plc wrongfully submitted a CIFAS (Credit Industry Fraud Avoidance System) marker against his details. He says that this has led to him suffering serious financial consequences, including being refused credit and being unable to obtain a mortgage.

background

Mr G sold a car to a third party, Mr A, in November 2012. Mr A paid for the car via bank transfer. But Mr A then complained to his bank that the transaction was fraudulent. This led to Barclays submitting a CIFAS marker against Mr G's details.

When Mr G found that the marker had been registered he complained to Barclays. He submitted information to show that he had owned the vehicle and a signed receipt from the purchaser. But Barclays rejected his complaint, and found that it had been correct to submit the marker.

After Mr G complained to this service Barclays reviewed his complaint. It found that the evidence he had provided suggested that he had been the victim of a scam. It removed the CIFAS marker and offered Mr G £100 compensation in recognition of the time taken to reach the agreement to remove the loading. The adjudicator found this offer to be appropriate in the circumstances.

Mr G does not agree with the adjudicator's view. He says that the compensation offered is too low. He says he should receive compensation of approximately £89,000 to take account of his time, expenses, embarrassment, stress and inconvenience, effect on his credit worthiness, potential loss of professional membership and car finance expenses.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Where the evidence is incomplete, inconclusive, or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances.

I note that Barclays has now concluded that Mr G was the victim of a scam, and has removed the CIFAS marker. It is correct that it should have done so. So the only issue outstanding is the amount of compensation that Mr G should receive.

Mr G has supplied details of the compensation he is claiming. And he has supplied certain evidence to support this claim. It is clear, for example, that he has had at least one bank account closed as a result of the CIFAS marker being placed on his account. I have no doubt that this must have caused him inconvenience. But he has not supplied evidence supporting all of the compensation he claims. And I am unable to consider awarding compensation for consequences that *might* have followed from the CIFAS marker unless I have evidence that this consequence did *in fact* occur.

Having considered the circumstances very carefully, I consider that £200 compensation would be fair and reasonable. In reaching this decision I have taken particular account of the fact that Barclays could have investigated Mr G's complaint sooner.

my final decision

My decision is that I uphold this complaint, and order Barclays Bank Plc to pay Mr G £200.

Alison Cribbs
ombudsman