

complaint

Mr F complains Accord Mortgages Limited was wrong to report him to the Credit Industry Fraud Avoidance System (CIFAS) following an unsuccessful mortgage application.

background

Mr F is unhappy that following an unsuccessful mortgage application in December 2015 Accord applied a marker against his name with CIFAS.

Accord explained it had done so as during the mortgage application process it'd not been able to validate the payslips Mr F provided and therefore it had loaded the details with CIFAS under "false documentation".

The investigator didn't recommend the complaint be upheld. She said – having seen details of Mr F's mortgage application - she couldn't say Accord was wrong to report him to CIFAS.

Mr F disagrees. He's asked for an ombudsman's decision. He thinks the investigator is wrong as his employer has written a letter saying the payslips were its and Her Majesty's Revenue and Customs can confirm this too. He thinks the confusion has arisen because his employer uses a payroll company and hence the address on his payslip was different from his employer's address. He thinks the payroll company said he didn't work for them and that is where the misunderstanding has arisen.

The CIFAS marker is having a significant impact on his life as he's been turned down for work and credit. He points out the same payslips were submitted to another lender and were accepted and he got a mortgage.

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 understand Mr F's frustration that his ability to get on with his life is being impeded by the CIFAS marker. I'm sorry about this but my role here is decided whether Accord was wrong to make the report to CIFAS, and if it wasn't, whether it needs to update the information now.

Accord made its submission in confidence. Our rules allow this. And either party can do it.

In this case I'm satisfied that the information (and its source) is sensitive and on balance I don't believe it should be disclosed to Mr F.

I'm also satisfied that notwithstanding the fact that Mr F hasn't seen the information it is material and I should take it into account when deciding the outcome of the complaint.

I've looked very hard at everything that Mr F has said and the information he has provided. I can see why he feels there has been a misunderstanding. But I don't think Accord was confused. And I think it was right – based on the evidence it had – to make the report. I also think that nothing Mr F has said means that Accord should be required to amend its report.

I'm sorry for the distress my decision will cause him but having seen the evidence I can't agree that Accord has made an error.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 8 June 2018.

Nicola Wood
ombudsman