

complaint

Mrs H complains that Godiva Mortgages Limited (Godiva) has unfairly made an entry on the CIFAS database against her.

background

In 2013, Mrs H made an application for two mortgages to Godiva. On her application forms, she gave details of her employment status and provided a P60 as evidence of her income. Godiva made its own enquiries into Mrs H's financial situation, but it couldn't verify Mrs H's income. The income declared on the application form didn't match the checks that Godiva made. Godiva then registered an entry on the CIFAS database.

Mrs H contacted Godiva about the CIFAS entry and provided it with another copy of a P60 for the same tax year. But this one showed her income as approximately a quarter of the one she had previously provided.

Mrs H says that she provided the information she did on the advice of a broker and her accountant, and that everything was done in good faith. But Godiva has refused to remove the marker.

Mrs H referred the matter to this service. Our adjudicator didn't uphold the complaint because as Mrs H's income couldn't be verified, she considered that it was reasonable for it to conclude that the information wasn't accurate. It was her view that Godiva didn't act unfairly in registering the marker.

Mrs H doesn't agree. She wants the marker removed. So the matter has been passed to me.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having looked at all the file, and particularly the mortgage application forms and the P60s supplied by Mrs H, I agree that this is not a complaint that I can properly uphold. I'll explain why.

Godiva was entitled to take steps to verify the information that Mrs H disclosed on her application form. Having been unable to do, Mrs H provided a further P60 to it, but this showed that she had earned a much lower income than indicated by the earlier P60. So I don't think it was unreasonable for Godiva to have concerns about the accuracy of the information that she had provided. And in those circumstances, I don't think it was unreasonable to make the entry on the CIFAS register.

I have taken into account what Mrs H says about the fact that she was given advice by her broker and her accountant to deal with matters as she did. But faced with conflicting information about her income, I can't say that Godiva has acted unfairly or unreasonably in acting as it did at the time.

I appreciate that this is not the decision that Mrs H would have hoped for. But I have to consider whether Godiva acted fairly and reasonably, and for the reasons I have set out, I can't reach any other conclusion other than it did. So I'm not going to ask Godiva to remove the marker.

my final decision

My final decision is that I don't uphold Mrs H's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 18 December 2015.

Julian Weinberg
ombudsman