

complaint

Mr F complains that Marks & Spencer Financial Services Plc refuses to properly compensate him for putting incorrect information on his credit file.

background

Mr F was having temporary money troubles. He asked M&S to help him by reducing his loan repayments for three months and it agreed to do this.

By mistake M&S registered incorrect information about the reduced payments on Mr F's credit file. It said, when it realised what it had done, it removed the information. It also said it asked him at the time if he'd applied for credit while this information was on his credit file and he said no. As a result - and thinking the impact of what it had done was very limited - it offered him £100 to make up for its mistake.

Mr F said this isn't correct. He did apply for credit during the relevant period and was refused. He blames M&S for this. Further, although he accepted the £100 he said he only did this because he hadn't realised what had happened to his credit file. He thought that his reputation has been damaged and that M&S haven't offered him enough for all of this.

Our adjudicator said he thought it wasn't fair and reasonable to ask M&S to do anything more than it had already done.

M&S accepted this conclusion. Mr F didn't. So this complaint was sent to me to review.

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've finished looking at this complaint. I realise that I'm going to disappoint Mr F but I'm not upholding his complaint. I explain below why I think this is a fair and reasonable conclusion.

both Mr F and M&S think it made a mistake so how much money should it pay Mr F to make up for this?

The only question here is how big an award Mr F should get because of M&S's mistake.

M&S has already paid Mr F £100 for putting the wrong information on his credit file. It has now removed this information and said sorry for the poor service. I think, on the face of it, the £100 is about right for what M&S did.

Mr F disagrees. He tells us that the £100 doesn't make up for all of what's happened to him. So we've asked Mr F to tell us about the impact the mistake had on him because he's correct to say that any award should reflect this.

it doesn't seem that Mr F has made any loss because of what M&S did

Mr F tells us his reputation was damaged due to the information being put on his credit file. And he thinks, as a direct result of this, his request for an overdraft was rejected.

I've not seen Mr F's credit file. As a result I don't know what other information was on the file aside from the data M&S registered. So I've no way of knowing if there was anything else on his credit file that may have contributed to Mr F not getting his overdraft.

Further, I've not seen anything from the lender who Mr F wanted the overdraft from explaining why he didn't get the overdraft. Lenders generally base their decisions on a number of factors. They do usually take account of credit file information but they have other things that they look at too. Because of this, it's unlikely that any one single piece of information on his credit file by itself would be the reason why Mr F's overdraft request was declined.

However, I think the point here is has he made any loss at all? He's not shown us anything that suggests he was guaranteed to get the overdraft before the information was registered.

So the difficulty is I can't see the direct link between what Mr F says happened to him and the loss he tells us about. And it's not even clear that he made a loss. That being the case, it's really not fair and reasonable for me to ask M&S to make an increased award to him for this notional loss.

It follows I think the £100 that M&S has paid him for this its mistake is fair and reasonable. I'm not going to ask it to do anything more.

my final decision

My final decision is that I don't uphold Mr F's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 15 February 2016.

Joyce Gordon
ombudsman