

complaint

Mr A complains that Bank of Ireland (UK) plc (BOI) incorrectly recorded adverse information against his name with CIFAS, one of the UK's fraud alert services and this caused him a number of difficulties.

background

BOI recorded adverse information against Mr A's name with CIFAS in the middle of 2013 because, it said, it was told by another bank that a cheque Mr A paid into his account was fraudulent. After it investigated, BOI accepted that the cheque wasn't fraudulent but it failed to remove the marker.

Mr A says that he only found out that he had a fraud marker against his name in 2018. Over the years, he hasn't been able to open accounts, has suffered financial difficulties, was turned down for a number of jobs with banks and this led to him being ill in 2016. He'd like compensation for the missed opportunities.

BOI removed the marker in 2018 and has offered to pay Mr A £5,000 as a gesture of goodwill.

Our investigator thought BOI's offer was fair and reasonable. He said, in summary, that CIFAS wrote to Mr A in 2013 showing the adverse information but Mr A didn't follow it up. And Mr A hadn't been able to provide anything to show that he had job offers from the banks or the reasons why they were withdrawn.

Mr A responded to say that he didn't receive any information from CIFAS in 2013 and BOI should never have registered the marker in the first place. He lost employment opportunities because it was there.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Where there is a dispute about what happened, I have based my decision on the balance of probabilities – in other words, on what I consider is most likely to have happened in the light of the evidence.

CIFAS marker

BOI has said that it recorded the marker in 2013 because it was told, by another bank, that a cheque Mr A paid into his account was a forgery. It accepted, after investigation, that the cheque was genuine and Mr A was entitled to it, but it didn't remove, at that time, the negative information that it had recorded. After Mr A complained about it in 2018 it did remove the adverse marker.

Mr A says that he didn't find out that he had adverse information recorded against his name until 2018. But I find that he told BOI in 2013 that he had contacted CIFAS. CIFAS also says that Mr A contacted it at the end of July 2013 asking for information as a Subject Access Request. Whilst Mr A says that he didn't receive anything from CIFAS I find it wrote to him, at his correct address, providing details of two markers applied to his record. If Mr A didn't receive the information, when it is clear that he felt very strongly about BOI's actions, I would expect him to have contacted CIFAS again to ask for it.

application for other accounts

Mr A has provided copies of letters from other banks declining to open or giving notice to close accounts because of information given by credit reference and fraud prevention agencies. So I accept that having markers recorded against his name did cause Mr A some difficulties. But despite these letters, it doesn't seem that Mr A took any action to find out what was causing this to happen.

employment opportunities

Mr A says that the marker BOI recorded also prevented him getting a number of different jobs with banks following successful interviews. I fully accept that Mr A did have a number of interviews in 2015 with banks and also had a provisional offer of employment with one of them, subject to a vacancy becoming available and references and various background checks. Mr A believes that he didn't get these roles because of the CIFAS marker that BOI had recorded.

ill health

Mr A also blames the marker for a period of ill health he suffered in 2016. I accept that there was a link to Mr A's lack of employment at the time and financial difficulties. I have no doubt this was an upsetting time for Mr A but I can't say that his situation was solely due to BOI's actions.

Having carefully considered all the evidence, whilst I recognise that the marker caused Mr A some difficulties, I consider Mr A might reasonably have followed upon the cause somewhat sooner than he has. As I've already explained, if Mr A didn't receive his Subject Access Request information in 2013 from CIFAS I would have expected him to have chased for it. If he had done so, he would have seen that there were two markers recorded against him at that time. And if he was turned down for a number of accounts and jobs throughout 2015 and 2016, following background and other checks, then I would have expected Mr A to take steps to find out why and to take action to correct the position.

So overall, although I find that BOI wrongly recorded the marker, I'm not persuaded that Mr A's situation was solely because of the bank's actions. But I do accept this has been very upsetting and caused Mr A some difficulties. BOI has now offered to pay Mr A £5,000 in recognition of this. I realise that Mr A feels this is too low but, taking everything that has happened into account, I consider this to be fair and reasonable.

my final decision

My final decision is I uphold this complaint in part. I require Bank of Scotland (UK) plc to pay Mr A £5,000.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 20 March 2020.

Karen Wharton
ombudsman