

The complaint

Mrs P complains about the way Barclays Bank UK PLC dealt with her mortgage account. Mrs P asks for a repayment plan, a copy of a report by a field agent, removal of adverse data from her credit file, compensation and an investigation into Barclays conduct generally.

Mrs P has asked a family member, who I'll refer to as Mr P, to assist her with this complaint.

What happened

Mrs P took out a 17-year mortgage with Barclays in 2004. She also has a mortgage current account (MCA). Borrowing under the MCA is secured on her property and has to be repaid when the mortgage term expires. When the mortgage term expired in 2021 there was an unpaid balance on the mortgage account and the MCA.

Mrs P says that Barclays

- purposefully put her in arrears by not acknowledging her attempts to make payments, rejecting payments and pursuing recovery action despite her engaging.
- didn't respond to letters and lost the income and expenditure (I&E) forms she sent.
- didn't provide a copy of a field agents report, which she says she's entitled to by law. She says an I&E was completed while the field agent was with them.
- calls during the day when she's out at work. If it calls in the evening she finds the line is often poor and the call handlers who are based overseas have strong accents, making discussion difficult. She'd prefer Barclays to deal with Mr P and says she provided a third-party authority form during the field agents visit.
- took recovery action and told their local council they'd soon be homeless, in breach of data protection legislation.

Mrs P says this has caused extreme stress and anxiety. There was damage to her property during a storm which has made matters worse. And the adverse data put on her credit files by Barclays means she can't borrow money to pay for repairs.

Our investigator said there was no evidence Barclays rejected payments or sent them to the wrong account. Barclays said it hadn't received letters or I&E forms from Mrs P. Our investigator said Barclays provided its records to show it had tried to contact Mrs P without success, including in the evenings.

Mrs P didn't agree and asked that an ombudsman re-consider the complaint.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and

reasonable in the circumstances of this complaint.

The mortgage term expired in 2021 with an unpaid balance. There was also an unpaid balance owed on the MCA. The terms of the MCA say that this had to be repaid when the mortgage term expired.

While the complaint has been with us, Mrs P has said that Barclays cancelled her direct debit, lost or returned payments or paid them into the wrong account, didn't give them account details to make payments, and didn't confirm receipt of "test" payments. Mrs P says she tried to set up payments by standing order but these were returned. She says they weren't told how to make payments until Mr P called Barclays in mid-2022.

Barclays says it received payments from Mrs P into the MCA. It provided monthly statements for the MCA which show Mrs P made monthly payments of £400 by standing order in 2020 and 2021, and (albeit with a gap in mid-2022) through 2022 into early 2023. So I think Mrs P had the information she needed to make payments to the MCA.

Mrs P's payments into the mortgage account stopped in late 2021. This might be because the direct debit was cancelled when the mortgage term expired. Mrs P made two payments of £10 in August 2022. The annual statement dated 10 October 2022 shows the payments were received. So while Mrs P says Barclays didn't confirm receipt, she'd have seen the payments had arrived when she received the annual statement. This also set out the outstanding balance. So I think Mrs P had the information she needed to make payments to the mortgage account. The annual statement dated October 2023 doesn't show any payments from late 2022 to late 2023.

Barclays says it has no evidence to suggest it received further payments which it returned or lost. It asked for further information about the payments Mrs P said had been returned (such as the date they were made), but says Mrs P didn't provide this. Mrs P hasn't provided evidence to us that she made payments to Barclays which were then lost or not applied to the debt owed.

Taking all this into account, I don't think Mrs P has arrears due to Barclays preventing her making payments or losing payments she made. I think the debt arose when Mrs P's mortgage term expired with an unpaid balance on the mortgage account and the MCA. This debt hasn't been repaid and there isn't an agreed repayment plan in place.

Mrs P says she engaged with Barclays. She says she sent it completed I&E forms. Unfortunately, Mrs P hasn't provided evidence of these being sent to Barclays – which I appreciate is difficult. An I&E form was completed during the field agent's visit and provided to Barclays. The field agent passed on a message to Mrs P in November 2022 that Barclays needed her to call to complete the I&E as it had queries. The message gave contact details (phone and email) for Barclays and said Mrs P could also contact the solicitors. It seems Mrs P didn't contact Barclays to complete the I&E.

I think Barclays made reasonable efforts to get in contact with Mrs P about her arrears. It called her (including in the evening) as well as writing and sending a field agent. I note that Mrs P hasn't said she has financial difficulties – indeed she's upset that Barclays' letters and the field agent's visit could imply this is the case. Mrs P said she couldn't sort out a payment plan until the complaint was resolved. She said she'd choose a plan and wouldn't submit more I&E forms, which Barclays would lose.

I appreciate Mrs P's frustration. But at the moment she owes a debt to Barclays and she doesn't have a repayment plan in place. This debt is secured on her property and, ultimately, Barclays can recover its debt from the sale of the property. Any I&E forms and information

provided in 2022 would now be out of date. I'd urge Mrs P to engage with Barclays with the aim of agreeing an affordable arrangement to repay the debt. Mrs P can of course contact Barclays in the evening, or at a time that's more convenient for her.

Mrs P says she completed an authority for Mr P to deal with the account on her behalf. Barclays says this authority only related to the discussion with the field agent. Barclays says if Mrs P wants to give authority for Mr P to deal with the account, she'll need to do this at a branch.

Mrs P didn't provide the letter she says she received from the council, which she thinks was prompted by Barclays telling the council she's soon to be homeless. And I can't see that this was part of the complaint she raised with Barclays (via the field agent). As Barclays hasn't had an opportunity to look into this aspect of Mrs P's complaint, I can't fairly look into it here.

Barclays says it has no record of Mrs P making a subject access request. It says if she does this it would provide the field agents report.

Barclays has to report correct and up to date information to the credit reference agencies. Mrs P didn't provide a copy of her credit report. But she does have a debt that is due and unpaid. I can't fairly find that it was unfair for Barclays to record this on her credit file.

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 Mrs P to accept or reject my decision before 5 January 2024.

Ruth Stevenson
Ombudsman