

## **The complaint**

Mr B complains that Barclays Bank UK PLC trading as Barclaycard acted unfairly when it refused to write off the balance on his credit card.

## **What happened**

Mr B had a credit card account with Barclaycard. He says that he's experienced financial and personal difficulties in recent years. He hasn't been working since 2018 and he's experienced depression and related medical illnesses. He says he felt suicidal in 2018 and had a plan at that time. He was only prevented from carrying out the plan because of the intervention of a third party.

Mr B says that he's been seeking help for his depression and he's getting counselling. But he says that Barclaycard has treated him in a way which shows it doesn't care. He asked it in September 2020 to write off the debt on medical grounds. But he says it refused and treated him insensitively. He says he complained to Barclaycard and it took it several months to respond to his complaint.

Barclaycard said that it had carefully reviewed Mr B's complaint, but it was unable to write off the balance on his account. Barclaycard said it had followed its Collections process correctly. It had defaulted his account correctly and recorded the default with credit reference agencies. It said it had granted Mr B a credit limit in line with its lending policy. It had carried out the usual background checks before granting a credit limit to him.

Barclaycard acknowledged that Mr B had experienced financial and personal circumstances which had impacted on his wellbeing. It said it wanted to reassure him that despite its decision not to write off his balance it didn't require him to pay it any money if he wasn't in a position to do so.

Barclaycard said it was sorry if Mr B had found its letter of 13 October 2020 offensive but that wasn't its intention. It said it had given factual information and offered him further support. Barclaycard acknowledged that it had taken it longer than it should have to respond to his complaint. It paid him £100 as a gesture of goodwill to resolve his complaint.

Mr B wasn't satisfied with this response. He referred his complaint to our service. Our investigator looked into his complaint. She said that we wouldn't expect Barclaycard to write off the debt unless there was clear evidence that there was almost no chance he'd ever be able to repay the debt. She thought the medical evidence hadn't said that and his circumstances could change in the future.

She also thought that Barclaycard had agreed a fair repayment plan with Mr B. It'd told him that it wouldn't put any pressure on him to make payments. It would check the position with him every twelve months and if his circumstances changed it would review his income and expenditure at that time. She said Barclaycard had acted fairly when it reported the default to the credit reference agencies.

Our investigator reviewed the letter from Barclaycard dated 13 October 2020. She thought it had been written in a sensitive tone. She said Barclaycard had paid Mr B £100 because it had taken longer to get back to him about his complaint than he reasonably expected. She thought that was fair and reasonable. She didn't think Barclaycard needed to do anything other than put the management plan in place to review the position every twelve months.

Mr B didn't agree. He said that Barclaycard hadn't acted fairly or with care. He said that this still left the debt hanging over him "like a death sentence." He thought it was a "joke" that Barclaycard had refused to write off a debt of just over £700, given his medical circumstances.

Because Mr B didn't agree, the complaint has been passed to me to decide.

### **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.

At the outset, I'd just like to say how sorry I am to read about the difficulties Mr B has been experiencing with his mental health. He's told us that he's attending his doctor and has been getting support to help him. And I hope he's finding that support helpful.

Mr B took out his credit card with Barclaycard in 2017. It appears that the last withdrawal he made using the card was in November 2018. He missed two payments in November and December 2018. After that date it appears he made the minimum monthly repayments until he missed a payment in September 2019. He didn't make any further payments after that date.

Mr B contacted Barclaycard in September 2019. He told it that he was experiencing financial difficulties following issues at his work. He said he'd gone back home to live with his parents. He also mentioned the problems he was having with his mental health and said he'd considered committing suicide. He told Barclaycard that he had his property on the market and the debt would be paid when that property was sold.

In these circumstances, we'd expect Barclaycard to have treated Mr B sympathetically and positively. So, I've looked at how Barclaycard responded to what Mr B had told it.

Barclaycard put Mr B's account on hold for 30 days. This meant that no interest or charges were applied to the account. It thanked him for telling it about his circumstances and said it didn't expect him to clear the arrears and it wouldn't ask him to make any payments whilst the account was on hold. It explained all of this in its letter to him dated 11 September 2019. That letter also explained to Mr B that although he wasn't expected to make payments, his account would continue to be reported to credit reference agencies.

I think this was a sympathetic and positive response to what Mr B had told Barclaycard. It wrote to him again on 16 October, asking him to contact it to make sure he was getting the right support. That letter reiterated that he wasn't going to be asked to pay anything he couldn't afford, and it wouldn't take his account off hold until he was ready. The letter also explained that it was likely he would get a Default Notice after around five months. But it said he shouldn't worry about that. The letter said:

*"We know it won't be possible for you to catch up with your payments unless your situation changes. And, we're not going to ask you to make any payments you can't afford. We just have to send this to you – it's a legal requirement."*

Mr B contacted Barclaycard again on 26 November 2019 to update it on his circumstances. As a result, the account remained on hold. There was further telephone contact in February 2020 and shortly after that a Default Notice was issued. Barclaycard again assured Mr B it didn't expect him to make any payments.

Mr B contacted Barclaycard again in July 2020. He explained there was no change in his circumstances, and he wanted it to "swipe" his debt. Barclaycard said it wouldn't do that.

Mr B phoned again in September 2020. He told Barclaycard he was feeling anxious and nervous and wasn't able to return to work. It appears from the notes on Barclaycard's file that the sale of the property hadn't proceeded. But, because Mr B's mortgage wasn't with Barclaycard – it was unclear whether the sale of the property would be a means to repay the debt in any case. Mr B explained that he was attending his GP. He said he wanted the debt written off.

When a customer explains to a business that it's unlikely, because of his medical condition, that he's going to be in a position to repay a debt then we'd expect the business to carefully consider the request – taking everything into account. That doesn't mean that such a request will always be successful.

In this case Barclaycard asked Mr B to provide evidence from his GP about his medical condition. He did provide a letter. The letter stated that Mr B was experiencing depression and anxiety and was finding it difficult to find work. It stated:

*"[Mr B] is seeking counselling but it would help if his stress could be reduced by removal of the pressure to repay the debts he has..."*

Barclaycard considered the matter. It sent Mr B a letter dated 13 October 2020 to say that it could not write off the debt. Mr B thought this letter was insensitive – so I'll comment further about its contents.

Barclaycard said it wanted to assure Mr B that his health and wellbeing was a priority and it would do everything it could to help him. It said it was unable to write off the outstanding balance. But, it assured him that it didn't expect him to make payments he couldn't afford and based on his current situation it didn't expect him to make any payments unless his financial situation improved. Fees and interest remained suspended on his account.

So, although the request to write off the debt was not successful, I think Barclaycard's response was positive and sympathetic. Barclaycard says there was no intention on its part that the letter should be insensitive and having read the letter, I'm not persuaded that it was.

Mr B says Barclaycard's decision means that the debt has been left hanging over his head "like a death sentence."

I can understand why he feels that it would've been better for his mental health if the debt had been written off. But, it is also the case that his GP had said that whilst that might mean his stress could be reduced – he didn't say that, in his opinion, Mr B wouldn't be able to return to work at some stage in the future. And Barclaycard didn't put any pressure on Mr B to make repayments. It hasn't put any pressure on him to make repayments, at any time since he first reported his mental health problems to it.

Barclaycard did acknowledge that it had taken longer to get back to him about his complaint than he should reasonably have expected. It's paid him £100 by way of compensation for that. I think that's fair and reasonable.

Having considered everything, whilst I know it will disappoint Mr B, I don't think Barclaycard has acted unfairly or unreasonably here. I don't require it to write off Mr B's debt. I expect it to continue to treat him positively and sympathetically – as it has said in its correspondence it will do.

### **My final decision**

For the reasons given above, I do not uphold this complaint about Barclays Bank UK PLC trading as Barclaycard.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 5 August 2021.

Irene Martin  
**Ombudsman**