

The complaint

Mrs C has complained that Santander UK Plc has refused her request for a credit card debt to be written off.

What happened

Mrs C started to have difficulty making her credit card repayments in 2013. In 2021 the outstanding debt of £3,550.11 was passed from Santander to a third party debt collection agency.

Mrs C contacted the agency to request that the debt be written off due to her chronic medical condition, mental health and limited capability to work. The request was passed to Santander to consider but was declined. The account was then passed back to Santander in June 2022.

Our investigator didn't uphold the complaint. Mrs C disagrees with the investigator's opinion and so the complaint has been passed to me for a decision.

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.

Mrs C had previously made two complaints about the debt collection agency. As already explained to her, these can't be looked at any further as they were referred to us too late. To be clear, this complaint will only be looking at Santander's actions.

Mrs C doesn't dispute that she owes the debt. But she says that, due to her circumstances, there is no prospect of her paying it back and so Santander is being unreasonable in refusing to write it off.

Santander looked at information provided by Mrs C, including medical documentation and details of her income and expenditure. Having done so, its decision was that her case did not meet the criteria for having the debt written off. As our investigator has explained, the criteria for this is commercially sensitive and so we are unable to share it with Mrs C.

The question for me is whether Santander acted fairly and reasonably in response to Mrs C's request. I've seen that it considered all of the information and reached a decision based on an established rationale. Based on the available evidence, I'm unable to conclude that its decision to decline her request was unfair.

Mrs C says she has been harassed by Santander, causing her stress, which subsequently worsened her medical condition. She has further explained that she received annual statements of account in 2021 and 2022. I cannot agree that making contact with her once a year could be deemed as harassment.

The debt remains payable and Santander is entitled to take steps to recover it. However, as our investigator has explained, Santander understands Mrs C's situation and doesn't intend to actively pursue the debt at the moment, although that doesn't mean that it will never try to do so again.

Mrs C has told us she will reach retirement age in the near future. If there is a change to any of her circumstances then Mrs C could contact Santander to re-request having the debt written off, with updated supporting evidence.

I've thought very carefully about what Mrs C has said. She is undoubtedly going through a very difficult time and I have a great deal of sympathy for her situation. But, overall, I'm unable to conclude that Santander did anything wrong in declining to write off the debt.

My final decision

For the reasons set out above, I do not uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs C to accept or reject my decision before 23 August 2023.

Carole Clark

Ombudsman