

complaint

Mrs E complains that Santander UK Plc is taking all her income to repay a debt which she says she doesn't owe. She wants to know how her account has been run by the bank and why it believes she owes it money.

background

Mrs E had two accounts with the bank. One was a current account and one was a loan account. The bank defaulted both accounts and passed them to an external debt collections agent. She says it didn't tell her what it was going to do and its actions have made her unwell.

Santander said it sent her a number of letters telling her about her accounts and it has records that she spoke to the bank on a number of occasions about the outstanding balances on the accounts. But it realised it'd charged interest on the accounts after she'd spoken to it about her financial difficulties. So it removed a total of £49.73 from her current account balance. It also sent her a cheque for £50 for the inconvenience this caused her.

The adjudicator didn't recommend Mrs E's complaint should be upheld. He could see that she had spoken to Santander about her financial difficulties. It stopped interest and charges on her loan account and it agreed a short term repayment plan for 12 months on that account. When that came to an end it couldn't agree a further repayment plan and defaulted the account in 2010. It couldn't come to a satisfactory agreement with Mrs E about repaying the overdraft on her current account so it defaulted that account in August 2009.

When Santander defaulted the accounts it froze the balance on them and passed the debt to a third party collections agent. After four years it made a commercial decision to sell the outstanding balance on the loan to another company. Although the adjudicator thought Santander could've told Mrs E about the sale of the debt he felt it was reasonable for Santander to delegate this responsibility to the company that bought the debt. And he was satisfied that the bank had made Mrs E aware throughout the collection process that further action could be taken.

Mrs E wasn't happy with this. She said the bank had taken "enormous amounts of money" from her and has misused it "to suit their designs". She wants the bank to provide "details of transactions" it carried out when it closed her accounts.

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 know Mrs E will be disappointed with my decision but I have come to the same conclusion as the adjudicator for very similar reasons.

Mrs E got into financial difficulties in 2009 and spoke to the bank who, in my view, responded positively and sympathetically which it's obliged to do in these situations. On Mrs E's personal loan account it agreed to stop all interest and charges and it agreed a 12 month repayment plan. I can see it tried to come to a satisfactory agreement with Mrs E about the repayment of the overdraft on her current account but its negotiations were unsuccessful. Eventually it defaulted both accounts which froze the balance. It passed the collection of the

debt on both accounts to a third party agent and after four years it sold the debt on her loan account to another company. It was entitled to take those actions so I don't find it's done anything wrong.

Mrs E thinks the bank has acted improperly by taking all her income but I can't find any evidence for me to make that finding. She wants details of all the transactions the bank carried out when it closed her accounts. I'm satisfied it's kept her notified of all its actions during this time and so I don't think it's reasonable to ask the bank to provide these again particularly in light of the passage of time.

I think the bank has tried to help her during her financial difficulties. It's removed £49.73 interest that it shouldn't have charged her. And it's sent her a cheque for £50 for the inconvenience it's caused her. I'm sorry to hear that this has had an impact on Mrs E's health but I can't fairly ask Santander to do more.

my final decision

My decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs E to accept or reject my decision before 3 July 2017.

Linda Freestone
ombudsman