

complaint

Mr A complains that Santander Cards UK Limited gave him inaccurate information that has led to his account being passed to a debt collection agency.

background

Mr A was advised that his account was paid in full when in fact the bank had failed to consider a returned direct debit. As his direct debit was then cancelled, his account was passed to a debt collections agency to pursue the remaining instalment. When Mr A was contacted by the agency he called the bank to find out what had happened. The bank explained its error and refunded all associated fees. Mr A wants the adverse data passed to the credit reference agencies to be removed too.

Our adjudicator recommended that this complaint should be upheld. He said that the bank's incorrect information had created confusion and led to distress and inconvenience for Mr A. He said the bank should reduce the balance by £50 to compensate, and remove the late payment markers for the time between Mr A raising the issue and the bank providing clarification of the debt owed. The bank disagreed, saying that Mr A should have been aware he had only made five of the six payments he owed; that its operators can only go on the information on the screen at the time of any call; and that the adverse payment information was a true reflection of how the account was managed.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

I am not persuaded that the bank should not compensate for, and correct, the impact of its error. Whilst the returned direct debit may not have shown on the operator's screen Mr A's wife told the operator about it, and it is not unreasonable to expect it to have been considered in the settlement figure given on that same call. The argument that the late payment markers reflect the way the account was managed does not consider why it was managed in such a way. I find that it is fair to remove the markers up until the bank confirmed what had happened in August 2012.

I do consider that Mr A should have paid the remaining balance at this point as he must have been aware it was a valid debt.

my final decision

My decision is that I uphold this complaint in part. I order Santander Cards UK Limited to reduce Mr A's balance by £50 to compensate for the distress and inconvenience caused, and to remove the late payment markers from his credit file up until August 2012.

Rebecca Connelley
ombudsman