

## **complaint**

Miss D complains that Santander UK plc should remove the default on her account and accept a reduced settlement for the outstanding debt.

## **background**

Miss D explains that she instructed Santander not to go ahead with a current account switch unless it could offer a certain level of overdraft. However, the switch went ahead and her direct debits and standing orders were transferred. As a result, payments were made but, as she had not redirected her incomings, default charges were applied, and in time the account was defaulted. Miss D argues that, as her instructions to stop the switch were ignored, she should only repay the money she owed, excluding any charges, and that the default should be removed.

Miss D has previously brought a complaint about the switch going ahead against her instructions, but as she did not respond to our request for further information it was closed.

With regards to this complaint, the adjudicator recommended that it should not be upheld. He said that, as the account defaulted due to non-payment and as the bank issued the correct notice giving Miss D the chance to remedy the breach, the default should remain. He added that the bank had indicated it would accept a reduced payment as final settlement of the debt.

Miss D disagreed saying she would pay what she owed minus charges, but the default was not a true reflection of her credit worthiness and should be removed. She also referenced that the transfer should never have gone ahead and that this was the bank's error. As this was the material issue in her previous complaint to this service it has not been, and cannot be, considered in this decision.

## **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 remove the default on Miss D's credit record. It is an accurate reflection of how the account was managed as she failed to repay money owed. I can only reiterate what our adjudicator explained – I cannot comment here on her previous complaint which relates to whether or not the account was opened with her consent.

I would urge her to contact the bank as it has indicated it will agree to a reduced payment as settlement of the debt. This would show as a partial settlement on her credit file and the default will remain for six years from the date it was registered.

## **my final decision**

My final decision is that I do not uphold this complaint.

Rebecca Connelley  
**ombudsman**