

## **complaint**

Mr M complains that Santander UK Plc won't write off a credit card debt he owes despite being aware that he's suffering from some serious health problems.

## **background**

Mr M opened a credit card with Santander in September 2017 and transferred balances he owed elsewhere to the account.

In September 2018 Mr M told Santander that he'd been suffering from a serious health condition over the last 12 months and that he would need treatment for at least a further five years.

Because of his health problems Mr M asked Santander to write off the debt but it declined his request. Mr M raised his concerns and Santander paid him compensation for a number of errors it made whilst looking into the complaint. But Santander didn't agree to write off the debt on medical grounds.

Mr M referred his complaint to this service and an investigator looked into what had happened. They thought Santander's decision was reasonable and didn't recommend that it write off the debt. Mr M didn't feel the investigator's view was fair so asked for his case to be appealed. As a result, the complaint's been passed to me to make a decision.

## **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 understand that Mr M's health problems have caused a lot of additional stress and upset to him and his wife. Mr M's given us detailed reasons explaining why he feels Santander should write off the credit card debt on medical and compassionate grounds. I've read everything Mr M's sent us and records of all the conversations he's had with the investigator since raising the complaint. I hope Mr M won't take it as a discourtesy that I'm not going to respond to each comment he's made and will focus on what I feel are the key issues here.

The main focus of Mr M's complaint is that Santander won't write off the debt. And whilst I have sympathy for Mr M, I haven't found Santander's decision is unfair. I'll explain why.

When Mr M first told Santander about his health problems it agreed to stop applying interest and charges to his account. I appreciate Mr M wants Santander to write off the debt but it's not obliged to take that step. When a business is notified that a customer isn't in a position to maintain their payments it has to treat them positively and sympathetically. But that doesn't mean it has to agree to writing off a debt and there are a range of options that can be considered. In this case, I think its decision to suspend interest and charges was a reasonable approach to take. I also note Santander passed the account to a specialist team to look after while it tried to reach a payment arrangement with Mr M.

The investigator noted in their findings that Mr M opened the credit card after his diagnosis and that his health problems are currently being managed. They also said that Santander could consider other options to recover the debt and that Mr M had received the benefit of

the money he borrowed. I'm satisfied that Santander's decision not to write off the debt is fair in light of those points.

As I've said above, Santander is free to decide whether to write off a debt. I'm sorry to disappoint Mr M but, from what I've seen, Santander's acted fairly and reasonably when dealing with him and I haven't been persuaded to tell it to write the credit card debt off.

Santander recently told us Mr M's account is on hold but will be passed to the collections department once this investigation is complete. Santander's explained that it will move to default the account if payment isn't received or an acceptable payment arrangement isn't agreed. Mr M's told us that he wants Santander to default the debt now and that he doesn't want to be contacted more than once a year once the default's in place.

But I can't tell Santander how to process a default or when it should go through. That's up to Santander to decide based on its procedures and Mr M's account. How Santander contacts customers after a default is applied is also something it can decide, but it should take Mr M's circumstances into account. I appreciate Mr M only wants to be contacted once a year but as he is still liable for the outstanding debt Santander may decide to contact him more often than that.

There were a range of administrative errors and some confusing information given to Mr M whilst his complaint was being investigated. While these don't form part of Mr M's main complaint I've looked at the settlements paid and I'm satisfied they're fair.

I've looked carefully at everything Mr M and Santander have said and sent us. Having done so, I'm satisfied that Santander's decision not to write off the debt is reasonable. I haven't found any evidence of an error or mistake in Santander's decision. From what I've seen I think Santander's dealt with Mr M's complaint fairly so I'm not telling it to take any further action to resolve it.

### **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 Mr M to accept or reject my decision before 18 March 2019.

Marco Manente  
**ombudsman**