



complaint

Mr O complains that Santander UK Plc sold a debt, which he disputes, to a third party financial company, and has refused to respond when he tried to discuss this with it.

background

The adjudicator considered this complaint and explained that we would not be able to consider the enforceability of the debt. This was because a court had already decided on its merits and the debt was not currently owned by Santander, but by the third party company. However, Santander had offered £65 as compensation for its poor level of service, which he considered fair and reasonable.

Mr O said he wished to reserve the right to bring further complaints in the future about the matter, should he so wish, and so declined to accept this offer. He asked for his complaint to be reviewed.

my findings

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

Santander has accepted that it provided a poor level of service to Mr O when he approached it and tried to discuss the debt with it. It has offered compensation of £65 for this aspect, which I consider fair.

Our rules, which we are required by law to follow, say that the ombudsman may dismiss a complaint, without considering its merits, if the subject matter of the complaint has been the subject of court proceedings where there has been a decision on the merits.

I understand that the third party company has brought court proceedings against Mr O to recover the debt which he disputes. In these proceedings, there have been two hearings where the court has decided that Mr O had no defence to the action.

I conclude, therefore, that it would not be appropriate for me to consider as part of this complaint whether or not the debt is enforceable against Mr O.

my final decision

My decision is that it is inappropriate for me to consider whether the debt is enforceable, but I am satisfied that Santander UK Plc should pay £65 to Mr O in recognition of its failure to respond when he queried the debt.

Lennox Towers
ombudsman