

## **complaint**

Mrs M complains that Santander UK Plc treated her unfairly by recording a default on her credit file even though it was aware of a dispute with her ex-husband.

## **background**

Mrs M's joint account with Santander was overdrawn. In September 2014, Mrs M asked Santander to freeze the account as she wasn't able to pay off the overdraft by herself. And she was in the process of separating from her husband.

Santander sent a notice of default to Mrs M's husband. Mrs M is unhappy that the bank recorded a default against her credit file.

Our adjudicator didn't recommend that Mrs M's complaint should be upheld. He didn't think the bank made a mistake when it wrote to Mrs M's husband as the lead name on the account. And he was satisfied that Santander gave Mrs M enough time to repay the outstanding balance before it recorded the default.

Mrs M is unhappy with our adjudicator's conclusions. She doesn't think it was fair of the bank to just write to her ex-husband. Mrs M says her parents would've paid the outstanding balance as they paid for her divorce costs.

## **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 appreciate that Mrs M's divorce was still being finalised so she wasn't sure who would need to repay the debt. But like our adjudicator, I agree that Santander didn't have to wait for the outcome before taking action.

I'm satisfied Santander made Mrs M aware of the debt in 2014. I understand Mrs M didn't receive the notice of default. But as the bank sent the notice to the first name on the account, Mr M, I can't find it made a mistake.

Mrs M says her parents would've helped her pay the outstanding balance if she'd been aware of the notice of default. Our adjudicator asked Mrs M to send him her parents' bank statements as evidence that this would've been the case. Mrs M hasn't sent these in so I can't be sure that her parents would've been able to help. But in any event, if Mrs M had been able to borrow money to pay the debt, I would've reasonably expected her to do this sooner. Particularly as the bank told Mrs M in September 2014 that it may register a default if the debt wasn't repaid.

Mrs M has given this service a copy of the financial order. I appreciate that it says Mr M is liable to repay the balance on their joint account. As Santander isn't a party to this order, it hasn't done anything wrong by continuing to pursue both account holders.

Overall, I'm satisfied that Santander treated Mrs M fairly and reasonably. It gave her six months to repay the debt before it recorded the default in March 2015. I have every sympathy for Mrs M as she understood her ex-husband would repay the debt. But I can't find Santander should remove the default now.

**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 M to accept or reject my decision before 2 March 2016.

Gemma Bowen  
**ombudsman**