

complaint

Mr T has complained that Santander UK Plc (Santander) registered a default on his credit file.

background

Mr T said his former wife ran up a debt on their joint account while they were going through a divorce.

When Santander chased him for the repayment, he explained he was going through a divorce and offered to pay half the debt under a repayment plan. He also asked it to freeze the account.

Santander wouldn't apply a freeze. It wanted an arrangement to clear the whole debt, because, as matters stood, no money was going into the account.

It said it gave him time to discuss the debt with his wife and solicitor, but didn't hear back from him. It said it had tried to contact him, but was unsuccessful. Eventually, it registered a default on his credit file and referred the debt to a debt collection agency.

Mr T complained to Santander saying he hadn't received any letters about the default. He said he believed the account was frozen, until two different debt collectors were suddenly chasing him.

He asked Santander to remove the default, but it refused saying he knew about the debt and it was his responsibility to keep in touch until matters were resolved.

Mr T wasn't happy with this response so he complained to this service. He said he told Santander he'd changed his address but it continued writing to him at his old address and his wife didn't forward his post.

Our adjudicator said Santander hadn't done anything wrong and didn't have to remove the default because it's an accurate reflection of how the account was managed.

Mr T disagreed. He's now said Santander discriminated against him when it chose to pursue him, and not his wife, for the debt. He's asked for an ombudsman's 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 agree with our adjudicator's view.

Even though Mr T was a joint account-holder, Santander was entitled to pursue him alone for the repayment of the debt, as that's how joint and several liability works.

As it happens, according to its records, it looks as if it chased his wife too. But even if it did choose him alone, I think this was more likely to have been a commercial decision based on his earnings, not his gender, so I don't think it has discriminated against him.

Also, I don't think Mr T can say he didn't know Santander was going to register a default. It spoke to him six weeks before and warned him about the consequences of not clearing the debt. Its records also show it spoke to him three weeks before the default but he ended the call, though I think that's because he was working abroad and he's said incoming calls were very expensive for him.

It didn't have his new address on file, even though he said he provided it.

Based on this information, I don't think Santander has done anything wrong and I won't be asking it to remove the default. Besides, the default records what's actually happened to the account, and Mr T isn't denying there's a debt due.

I'm sorry this will be disappointing for Mr T. It couldn't have been easy trying to sort out this problem while working abroad and as part of a divorce, but I hope he understands the reasons why I don't think it would be fair to uphold his complaint.

my final decision

I won't be asking Santander UK Plc to remove the default.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 24 March 2016.

Razia Karim
ombudsman