

## **complaint**

Ms M complains that Santander UK Plc has pursued her for a debt that was not hers. She is seeking significant compensation for the distress caused by Santander's actions.

## **background**

The events of this case are spread over a number of years and Santander has now said it is no longer pursuing Ms M for the debt. So I summarise the key points of the case history.

Ms M cashed in some investments she held with Santander. She asked for a cheque to be sent to her in September 2008. In October 2008, Ms M contacted Santander to say she had not received the cheque. Santander said the cheque had been paid into an account in Ms M's name at another bank (Bank B) but sent a replacement cheque direct to Ms M's bank (Bank C).

Ms M was declared bankrupt in December 2009. In February 2012, Santander's solicitors contacted the Trustee in Bankruptcy saying Ms M had a debt with the bank – for the amount of the original cheque.

In January 2013, Ms M's legal advisers contacted Santander's solicitors asking for evidence to support the bank's claim. In April 2013, Santander wrote to Ms M saying it was no longer pursuing her for the debt. Ms M was angry that Santander had pursued her for the debt and complained to this service. She wanted the bank to explain what had happened and to give her its evidence about the alleged debt.

Our adjudicator did not recommend that Ms M's complaint should be upheld. He said that as Santander was not pursuing Ms M for the debt it had not acted inappropriately and there was no reason for the bank to pay compensation.

Ms M did not agree with this view and has provided further information supporting her case that she did not have an account with Bank B. So the matter has been referred to an ombudsman for a final 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.

Santander is no longer pursuing Ms M for the alleged debt. It says the first cheque was paid into an account at Bank B in the same name as Ms M. This is why it started recovery action.

This was set out in its letter to Ms M in April 2013. The letter went on to say that the bank's solicitors had said that in view of the length of time since the first cheque was cashed, and the circumstances of the case, it would not be viable to pursue recovery of the funds.

I make no comment on this aspect of the case. I do not know whether the account in the same name as Ms M at Bank B was actually her account and she benefited from receiving the money twice. It seems Santander did – or it would not have started recovery action. But as far as Ms M's complaint is concerned, I believe Santander has provided an explanation as to why it took the action that it did. As the matter is no longer proceeding, I do not consider Santander needs to provide any further information.

That is not to say that I think Santander acted as well as it might have done. I recognise that investigations can take some time but it appears it was over three years before Santander's solicitors told Ms M's Trustee about the matter. Ms M considered that she had to take legal advice. It seems that it is only after Ms M's legal advisers contacted Santander's solicitors that the decision not to pursue the matter was taken.

If Santander had taken this decision earlier, as I consider it might well have been able to, Ms M would have no complaint. I can understand that Ms M may have been distressed at the prospect of being pursued for the debt. And she clearly had some inconvenience as she took legal advice on the matter, which she otherwise would not have done.

I considered that Santander should pay a modest amount of compensation – but not a significant sum, as Ms M has suggested to our adjudicator. I asked Santander whether it was willing to make Ms M an offer of £200. It declined to do so, but I still believe an award of this amount this is appropriate.

### **my final decision**

For the reasons I have given, I order Santander UK Plc to pay Ms M £200 for the distress and inconvenience she has suffered.

Andrew Davies  
**ombudsman**