

## **complaint**

Mr H complains that Santander UK Plc didn't contact him about a debt for three years and then passed it to a third party to collect. Mr H says he thought the debt had been written off by Santander.

## **background**

Mr H had a credit card with Santander which fell into arrears. The last payment Mr H made was in May 2016 and he contacted Santander on 19 June 2016 to explain he wasn't able to make payments because he'd lost his job. Santander agreed to put the account on hold for 30 days and asked Mr H to get back in touch again. Mr H provided an income and expenditure assessment a short time later that showed he wasn't able to maintain his payments.

Santander continued to send Mr H statements and wrote to him on 10 and 11 November 2016 to advise the credit card would be defaulted if no payments were received within 28 days. Santander says it defaulted the account on 6 December 2016.

On 27 November 2018 Santander wrote to Mr H and said a third party was managing the debt on its behalf. Mr H went on to raise a complaint. Mr H said he hadn't heard from Santander about the debt for three years and wasn't aware it remained outstanding.

Santander responded on 27 February 2019 but didn't agree it had made an error. Santander confirmed there was an outstanding balance of £2,819.78 to pay. Mr H referred his complaint to our service and an investigator looked at it. He said Santander was entitled to pass the debt to a third party to collect and didn't uphold the complaint. Mr H didn't agree so his 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.

Mr H says that he thought the debt had been written off after he wasn't able to manage the payments in 2016 but I haven't seen anything to show Santander said that. Whilst I can see that the level of contact between Mr H and Santander did reduce after the account defaulted in December 2016, that doesn't mean the outstanding balance had been written off. I'm sorry to disappoint Mr H but Santander can still ask him to make payments towards the outstanding balance.

Mr H says he didn't receive important letters and statements Santander sent him. But I've looked at the letters and statements in question and they are all correctly addressed, in line with the information Mr H has given our service. I'm satisfied that Santander did write to Mr H and send him the statements it's provided.

Mr H says he didn't hear from Santander for three years. But the account defaulted in December 2016 and Santander contacted him to say it had passed the debt to a third party to collect in November 2018, around two years later. Santander has also sent Mr H a statement every six months setting out the outstanding balance and, as I've said above, they were all correctly addressed. I'm satisfied from the evidence I've seen that Santander has contacted Mr H about the debt since the default was applied.

I appreciate Santander didn't take direct action to recover the outstanding balance for around two years. But there's nothing in the rules that says it can't attempt to recover the outstanding balance now.

I'm sorry to disappoint Mr H but from the evidence I've seen I'm satisfied Santander did send him important information about what was happening with his credit card in 2016, including its decision to default it. I can see that it continued to send Mr H statements every six months setting out what he owed. Santander is entitled to refer the debt to a third party to collect and I haven't found any evidence of a mistake or that it's treated Mr H unfairly.

As I think Santander dealt with Mr H's complaint fairly, I'm not telling it to take any further action.

### **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 H to accept or reject my decision before 19 September 2019.

Marco Manente  
**ombudsman**