

complaint

Ms O complains Santander UK Plc says she owes money and has registered adverse credit information about her.

background

Ms O had an account with a business Santander has taken over. She had an overdraft on that account.

In 2008 Ms O complained that her overdraft limit had been reduced. Ms O says that her complaint was successful. Santander says it wasn't. In any event Ms O says that Santander had applied charges unfairly to her account – over £2,000's worth – so she didn't owe it any money.

In 2015 Ms O complained to Santander that a third party was taking her to Court to recover her overdraft from 2008. She also complained that Santander had defaulted the account.

Santander investigated Ms O's complaint but didn't uphold it. Santander said it had sent the account to collections as Ms O hadn't made payments to reduce her overdraft. Ms O complained to us.

Our adjudicator didn't recommend that Ms O's complaint be upheld. Ms O asked for an ombudsman to consider her complaint.

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've seen evidence that Ms O complained in 2008 that her overdraft limit was reduced from £1,900 to £1,000. Ms O says that she was told her £1,900 limit would be re-instated. I've seen evidence that Ms O was told she could have a temporary limit of £1,900 but that she would have to reduce this by £80 a month. I've seen evidence that Ms O spoke to the bank several times to say that she wouldn't be able to keep up these payments. In short, I'm satisfied based on the evidence I've seen that Ms O was told she would have to reduce her overdraft each month. Ms O wasn't able to do this. I cannot, therefore, say the bank did anything wrong transferring her account to collections and defaulting her.

Ms O has told us that she didn't owe the bank money anyhow because it charged her over £2,000 in unfair charges. She's also told us that the debt is unenforceable and argued in a number of ways why she doesn't owe anything. I can see that Ms O tried to claim back charges, but that claim wasn't upheld and, given everything I've seen, I don't see why it should have been. Ms O will no doubt want to argue in Court that the debt isn't enforceable for the various reasons she gives – and it appears she is going to. That's a matter for the Court – I don't agree with her given the factors I have to look at.

my final decision

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms O to accept or reject my decision before 17 December 2015.

Nicolas Atkinson
ombudsman