

## **The complaint**

Mrs S complains about problems she experienced when applying to remove her ex-partner from their joint mortgage with Santander UK Plc.

## **What happened**

Mrs S held a mortgage with Santander in joint names with her now ex-partner. This mortgage was taken in 2006. In early 2023, Mrs S applied to transfer the mortgage into her sole name.

An application was submitted, and a credit check completed. However, once this was reviewed by underwriters, the application was declined due to affordability concerns.

Mrs S complained to Santander. She said she'd provided the information that resulted in the mortgage being declined prior to the credit search being carried out. So, she thought Santander should have known before completing the credit search that it would decline her application, and this search should be removed from her record. She was also unhappy with how Santander had dealt with her, including calling her when she was at work, and looking at an account of hers without her permission.

Santander responded to the complaint saying it was right to decline the application following the credit search being carried out. So, it wasn't willing to remove the search from Mrs S' record. However, it did agree its customer service could've been better and that it had caused some minor delays. It paid Mrs S £250 compensation.

Mrs S didn't accept this and referred the complaint to our Service. One of our Investigators looked into the complaint but thought the offer of £250 was fair so she didn't think it should be upheld. Mrs S didn't agree and asked for the complaint to be reviewed by an Ombudsman. So, it's been passed to me to consider and make a final decision.

## **What I've decided – and why**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

The crux of Mrs S' complaint is that Santander should've known it wouldn't be able to offer her the mortgage in her sole name sooner than when it declined the mortgage. She believes she gave it enough information prior to the credit search being submitted for it to have known she wouldn't pass the affordability checks. And because of this, she thinks the search should be removed from her credit file.

Unfortunately, not all calls that Santander had with Mrs S are available. I know Mrs S is frustrated that not all calls are available. But I think I can still fairly decide this complaint without them. When information is incomplete, I make my decision on the balance of probabilities. That is, what I think most likely happened given the information I do have.

I have no reason to doubt that Mrs S provided all of the information that was asked of her

during her calls with Santander. And I do have a recording of the call Mrs S had when Santander completed the credit search. I've listened to this, and Santander does ask Mrs S for her consent to conduct the credit search, and she agrees.

Santander says it had enough information to proceed to the next stage of the application which included conducting a credit search. And at that point, it wasn't clear that the mortgage would be deemed unaffordable to Mrs S. As I've said, I don't know what information was provided to Santander prior to this. I accept that Santander was likely aware that Mrs S had another mortgage and had been told about the income this was producing. But it's often the case that things are discovered, or looked into in further detail, once a credit search has been conducted. And I think it's most likely that this is what has happened here.

I can see that, following the credit search, Santander had additional questions raised by what it found on the search with regards to the other mortgage. The case hadn't been approved or declined at this stage as it was still being considered. I don't think Santander mis-lead Mrs S into believing the mortgage was approved subject to the credit search being conducted.

The application was declined when further information about the rental income Mrs S receives for another mortgage she holds was reviewed by an underwriter. Santander has told us that it's not until after a credit search has been completed that the case is considered by an underwriter. I don't consider this unusual and can't say a mistake was made here.

It was always a possibility that a credit search would be conducted, and the lending might be declined following information that is discovered within the search, or other information that comes to light. I'm satisfied that Santander obtained Mrs S' consent to conduct the search and was entitled to carry it out. I'm not persuaded that, on balance, Santander should've known it was going to decline the application prior to the credit search being completed. Because of this, I'm not going to ask it to remove this search.

As a responsible lender, Santander should always consider whether a mortgage is affordable when changes are made such as removing a borrower. Santander needs to be satisfied that the change would be in Mrs S' best interests and affordable to her. It didn't think it was, and this is a decision it's entitled to make.

Mrs S has also complained that Santander looked at another account she held with it without her consent. However, this is information that Santander already held and had access to. Whilst I can see why Mrs S would've liked Santander to ask, I don't think it was required to obtain her consent to look at this information. And I think it's likely she'd have agreed even if it had asked.

Mrs S has said that Santander has looked at an account held by her son as part of this application. However, I've no evidence to back up that this did in fact happen. Nor can I see any reason it would've needed to.

Santander has agreed it contacted Mrs S at times it shouldn't have. It's apologised for this and paid Mrs S £250 compensation for this. I'm satisfied this amount is sufficient in the circumstances and in line with what I might have awarded. So, I'm not going to ask it to pay anything further.

### **My final decision**

Whilst I realised Mrs S feels very strongly about this matter, my final decision is I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S to accept or reject my decision before 17 January 2024.

Rob Deadman  
**Ombudsman**