Fairness First

Evidence annex: three recorded calls, 31 January to 6 February 2020

The banking case. 12 September 2026. Authored by Fairness First. For reporters.

1. What this document is

This annex sets out extracts from three telephone calls between the customer and the firm, recorded by the firm, between 31 January and 6 February 2020. The recordings are the firm's own. They were obtained by the customer by subject access request. The extracts below were transcribed automatically and then checked by ear against the audio.

The three calls sit either side of the moment the firm closed the customer's mis-selling complaint, four business days before its solicitors' possession claim moved on. They show the complaint alive and escalating on 31 January, still alive on 3 February, and closed on 6 February on a reason the record does not support.

2. Why these may be published

The recordings are the customer's own material, obtained by subject access request, and not material disclosed by the firm in the court proceedings. The restriction in rule 31.22 of the Civil Procedure Rules attaches to documents disclosed to a party in proceedings; it does not attach to a party's own documents, which include the firm's letters to the customer and the customer's own complaint file. The banker's duty of confidence established in Tournier v National Provincial and Union Bank of England runs one way, from the bank to the customer, and creates no reciprocal duty on the customer over his own banking relationship.

No individual is named anywhere in this annex. The customer's address, date of birth, telephone number and account number are removed. The security questions at the start of each call are removed. One passage concerning the customer's own health is removed because it is irrelevant to the campaign.

3. Call one. 31 January 2020, 14:32

The firm's complaint handler, to the customer, about four minutes into the call:

> *“I've chased the team that I referred it to the other day. They haven't got back to me so I chased that up with one of their managers. She's referred this to policy at the moment which is where it stands. Just to see what we can do going forward with this. I understand there's a*

> *few legal points in the letters that you've sent in. So at the moment we're with policy with that, and that's why you haven't heard back from that.*"

One minute later, at 14:33, the same handler wrote the same thing into the firm's complaint file: that she had chased up the team she referred it to "and they are reviewing this with policy as there was also some legal bits included in letters received from MR". The file note and the recording are the same call.

4. Call two. 3 February 2020, 17:02

The same handler, about three minutes in, on the state of the complaint:

> "*No, because half of your complaint is still ongoing. ... Now, the next part of your complaint was regarding the mis-selling of your loans. That part is still ongoing.*"

And about six minutes in, on where it had gone and why:

> "*When you sent in further information regarding the mis-selling of your loans, I've referred [it] to a specialist team to see if they would be able to investigate that, because there was a few legal points in there and you would advise that it was [sold] to you on an advice basis. And if that was the case, and we hadn't addressed some of the points in the letters that you provided back in the original complaint, it would need a specialist team to deal with it. ... I'm still awaiting update on whether they are going to be able to look into it or not. And once I have an update, rest assured I will be in contact with you.*"

That was three days before the complaint was closed. The customer was never contacted with the update.

5. Call three. 6 February 2020, 14:54

This is the call the firm twice told the customer did not exist, once in 2020 and once on 28 July 2021, each time when he had asked for it in order to use it in his defence. He obtained it from the handler who made the earlier calls. A different handler made this call, the first having gone into training.

On who was speaking and why:

> "*I'm just taking over one of [the previous handler's] cases as she's in training at the moment. ... I've done a full case review with [her], so [she's] done a full handover with me about the case.*"

On the decision:

> *"We've actually had a response from our mis-selling team in relation to the claims made about the other loan parts being mis-sold. Unfortunately, the team have declined that request. They ultimately pointed us towards a complaint that was raised with the financial ombudsman last year in which no further action was taken by ourselves nor the ombudsman on the back of that complaint."*

The ombudsman decision relied on is the decision of 9 July 2019, in which the ombudsman decided that it had no power under its rules to consider the complaint. It decided nothing about whether the loans were mis-sold. The customer said so on the call:

> *"You haven't given me any rationale other than you didn't do anything. You just said, we didn't do anything at the original complaint, so that's why we didn't mis-sell, which is not any rationale for taking a stance that you didn't mis-sell."*

On the only route left:

> *"If you're wishing to pursue this matter further in regards to the mis-selling of those loans, it would be something that needs to be done through court. It is not something we'll look at separately. ... If you want to claim that the loan was mis-sold, that's something you would need to take us to court to. That's not something we would take you to court over."*

On closure, and on the property, in the same call:

> *"I know the complaint was left up and waiting for that response, so the complaint will now be closed, and we'll issue a response. ... Obviously, if you fail to maintain mortgage payments, I just need to let you know your house may be repossessed as a result."*

6. What the three calls establish

The complaint was not stale or abandoned. On 31 January and again on 3 February the firm's own handler described it as open and with a specialist team.

It moved because the customer raised law. On 31 January the handler says the matter is with policy and gives the reason: legal points in his letters. On 3 February she gives the same reason for referring it to a specialist team.

It was closed on a reason that decided nothing. The mis-selling claim was declined by reference to an ombudsman complaint in which no further action was taken. The ombudsman had decided it had no power to consider that complaint.

The customer was told the only remaining route was court, on the same call in which he was told his house may be repossessed. The regulated route, where the burden sits with the firm, closed. The court route, where it sat with him, was the one left open.

Nothing in these calls shows anybody behaving improperly. Every handler on these recordings is courteous and is following a process. That is the point. The outcome did not need anybody to break a rule.

7. Limits of this annex

The extracts are transcribed from audio, automatically and then checked. Words in square brackets replace a name or supply a word the audio makes plain. Ellipses mark omitted material. The recordings themselves are the primary evidence and are available to a reporter on request.

Automatic transcription of a 2020 telephone line mishears proper nouns. In the raw output the firm's name and the handlers' names are garbled in several places. No proper noun in this annex is taken from the automatic output alone.

The firm is Santander UK plc and its solicitors are Shoosmiths LLP. Neither is prevented from replying to anything in this annex, and any reply will be published. No individual is named.

Contact: change@uk.globalsafetywatch.org. This campaign is not connected to any political party and does not support or oppose any party or candidate. It is not connected with the Civil Procedure Rule Committee. Nothing in this annex is legal advice.