

The complaint

Mr W complains about the charges and fees on his Santander UK Plc account.

What happened

Mr W says Santander's fees and charges have caused him financial hardship over the last six years. He says they are excessive and have taken a large amount of his monthly salary. Mr W says he has spoken regularly with Santander about his financial difficulties but it hasn't given him any help. He would like the charges and fees refunded and interest applied to that payment.

Santander says it's not made a mistake and that the fees and charges have been applied in line with the account terms and conditions. It says it tried to speak to Mr W in 2018 and that he entered into a debt management plan so no further charges were made.

Mr W brought his complaint to us but our investigator didn't uphold it. The investigator thought the charges were applied in line with account terms and conditions and that charges couldn't be challenged on the grounds they were too high and so unfair. The investigator thought Santander had tried to help Mr W when he approached it and that it had tried to speak to Mr W about his position.

Mr W doesn't accept that view and has asked that it be reviewed.

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. Having done so, I have come to the same overall view as the investigator and for the same reasons.

I have looked at the account terms and conditions which I think Mr W would have agreed to when the account was opened. And having done so, I have not seen any evidence that Santander made a mistake here by making the charges. So I don't think Santander has made a mistake or acted unfairly and that the charges were made in line with account terms and conditions.

The investigator has explained that following a Supreme Court case in 2009 it has been held that charges can't be challenged on the grounds they are too high and so unfair. So I can't look at the size of the charges or if they are excessive. But banks and building societies must treat customers in financial difficulties positively and sympathetically.

I appreciate that Mr W says he asked Santander for help but it didn't do so. I have looked at Santander's records and I can't see that was the case until 2018. I also think Santander tried to make contact with Mr S but without success. In any event I can see that the charges stopped in 2018 and Mr S entered into a debt management plan. So I'm satisfied Santander tried to help Mr W and acted positively and sympathetically. I also think that Mr W had a regular salary paid into his account and it is more likely that it was the type of spending that

led to the account being overdrawn and the financial difficulties. I also don't think Mr W has told me about any other contact he made or when.

Overall as I don't think Santander has made a mistake or acted unfairly then I can't order it to refund any charges or fees as Mr W would like.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 15 June 2020.

David Singh
Ombudsman