

## The complaint

Mr W complains that Santander UK Plc (Santander) haven't made it clear when their daily cut-off time is for bringing his account back into credit to avoid being charged fees.

### What happened

Mr W has a 123 lite current account with Santander. His son, on his behalf, complained to Santander, as he said he hadn't been given an exact cut-off time to bring his account into credit each day, despite asking a number of times. He said most other banks have a cut-off time of Midnight. He said he was told the cut-off time wouldn't be before 4pm, but he believes this is too vague. Mr W had already been charged some unexpected charges so was keen for this not to happen again. He wanted Santander to provide a definitive cut-off time, compensation for the time spent dealing with this complaint and a refund of all overdraft charges that have been applied to his account.

Santander confirmed that the cut-off time was 4pm. They also said fees incurred for using the arranged overdraft had been applied correctly, in line with the terms and conditions of the account. They did however, agree to refund some of the fees.

Mr W wasn't happy with this. He thinks there are further fees that should be refunded and he wants compensation, so his son brought the complaint to us. One of our investigators looked at the complaint but didn't think that Santander needed to do anything further. Mr W didn't agree, so the complaint was passed to me to 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. Having done so, I've come to the same conclusion as the investigator, for broadly the same reasons.

I've had a look at the terms and conditions for the account and they say:

"We allow you time to manage your account so, if you should use an Arranged or Unarranged Overdraft, you will have until 4pm that day (Monday to Saturday) to credit your account with cleared funds and move your balance back to an Arranged Overdraft or credit position."

I therefore think Santander have stated when the cut-off time is. Having looked at the communication from Santander to Mr W and his son, again I think they have made this clear.

Mr W says he tends to carry out a lot of his transactions in the afternoon and evening, so I understand why it's important to him to have a cut-off time. However, while it is unfortunate that Mr W may not be able to manage his account in the way he would like to, based on a 4pm cut off time, I think Santander are entitled to decide when their cut-off time is. And I think they have made it clear in both the terms and conditions and their communication with

Mr W that the account has to be in credit between 4pm and Midnight, if Mr W doesn't want to incur overdraft fees.

I can see that although Mr W didn't repay his overdrawn balance on a number of occasions by the relevant cut-off time, Santander did refund all the fees charged between the period of November 2017 and January 2019. They also agreed to waive a fee due to be charged in February 2019. I think this was a fair thing to do in the circumstances. Santander isn't required to reimburse any further charges.

I am aware that Mr W's son raised a similar complaint with Santander in connection with his own account around the time he complained on behalf of his father. And for that he was awarded £100 for the trouble and upset he was caused. However, we have to look at complaints on their own individual merits. Just because Mr W's son received an award for trouble and upset, doesn't mean that Mr W should in the individual circumstances of this case.

Mr W's son also says that other banks have a cut off time of Midnight. But we can't comment on the practices of other banks as the complaint here is against Santander. And because this service doesn't regulate banks, I can't ask Santander to change its cut-off time or the way it charges for use of an overdraft.

### **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 26 March 2020.

Sarah Green  
**Ombudsman**