

The complaint

Mr R complains about Santander UK Plc's excessive account charges.

What happened

Mr R says he has been paying excessive account charges on his Santander account for a number of years. He says they have on occasions amounted to between £50 and £150 a month and have caused financial difficulties. Mr R would like the charges refunded and says they are unreasonable.

Santander says it has correctly applied charges where Mr R's direct debits have been unpaid or when his account entered an unarranged overdraft. It says the charges were applied in line with account terms and conditions. And says Mr R appeared not to use his account as his main account with transfer's out of it which resulted in direct debits being unpaid.

Mr R brought his complaint to us and our investigator didn't uphold it. The investigator thought the charges were correctly applied in line with account terms and conditions. And caused by direct debits being unpaid or Mr R's account entering an unarranged overdraft. The investigator didn't think the charges amounted to the amount Mr R said or that there any evidence he told Santander about any financial difficulties.

Mr R doesn't accept that view and maintains the charges were unreasonable.

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 overall view that I don't uphold this complaint. I appreciate Mr R will be disappointed by my decision.

I have looked at Mr R's account terms and conditions which I think he would have agreed to when the account was opened. Those terms and conditions say that Santander will make various account charges where for example there is insufficient money in the account to pay a direct debit or where an account enters an unarranged overdraft. So, I don't think Santander made a mistake or acted unfairly by making the account charges when Mr R's direct debits failed or when he entered an unarranged overdraft. I also think this was Mr R's account and his responsibility to manage it. I have looked at Mr R's account records and, whilst I appreciate that he says Santander charged him between £50 and £150 a month, I have not seen evidence of that on Santander's records.

I appreciate Mr R says the account charges were unreasonable. I make clear to Mr R that following a Supreme Court decision it was held that bank charges can't be challenged on the basis they were unfair due to their amount. And I have made clear that I'm satisfied that Santander made the charges in line with agreed account terms and conditions.

It follows that I can't fairly order Santander refund Mr R the charges as he 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 R to accept or reject my decision before 11 May 2022.

David Singh
Ombudsman