

The complaint

Mrs F complains that Santander UK Plc ("Santander") gave her daughter information about a bank account Mrs F was a trustee of by mistake. Mrs F says that mistake had serious repercussions.

What happened

In 2021 Mrs F's daughter phoned Santander to ask for a replacement debit card. During that phone call, Santander mistakenly gave Mrs F's daughter information about a bank account Mrs F was a trustee of.

Santander accepted it had made a mistake and offered Mrs F £150 to reflect its mistake. Mrs F didn't accept Santander's offer and complained to the Financial Ombudsman Service.

Mrs F told us that the bank account had been set up for the benefit of her daughter who had ongoing issues with her health. The money in the account was held in trust for Mrs F's daughter.

Mrs F says her daughter was managing her health well before the mistake was made. However, after she learnt of the account her daughter suffered a setback. Mrs F says her daughter started harassing her for the money in the account and accused her of theft and fraud. Mrs F provided us with a recording of a phone call between her and her daughter from around this time. In that phone call Mrs F's daughter said that Mrs F had no right to keep the money and said that she would forcefully come and take it.

Mrs F told our investigator that the phone calls and threats continued. After this Mrs F says her daughter assaulted her in the presence of a social worker. The police were called, but no charges were brought against Mrs F's daughter.

Mrs F says that after that incident the social worker asked to be taken off Mrs F's case. Mrs F says this caused her further distress and shows the level of aggression involved. She told us the situation deteriorated to such an extent that her daughter went to live in a 'semi-dependant facility.' Mrs F told our investigator that she was left feeling scared, ashamed, and traumatised by what happened. She holds Santander responsible for the stress and anxiety she suffered.

Our investigator recommended that Santander should pay Mrs F £1,500 compensation to resolve the complaint given the extent of the upset Mrs F was caused. Santander agreed to this.

However, Mrs F still didn't think £1,500 was enough money to reflect the impact of the matter on her. She told our investigator that she thought her life might have been threatened if she'd been able to access Mrs F's property. Mrs F decided to move abroad after the incident as she was traumatised by what had happened. She said she couldn't face her neighbours or the thought of having to explain everything.

Mrs F said that when her daughter assaulted her, she sustained some injuries and was

advised to go to the hospital by the police officers that attended the scene. She didn't do as she was so embarrassed by what had happened. Mrs F says is now suffering neck issues as a result of the incident.

Our investigator considered that given the new information Mrs F had provided Santander should pay Mrs F £5,000 compensation. He thought that was a fair and reasonable amount in the circumstances. However Mrs F still didn't think that was enough compensation, so she asked her complaint to be reviewed by an ombudsman.

After Mrs F asked for an ombudsman to review her complaint our investigator was able to get the police report into the incident. Mrs F provided a recording of a phone conversation she'd had with the social worker about the incident. She also told us that she thinks the injury to her neck seems to be long term. Our investigator asked Mrs F to provide us with medical evidence to support what she has told us about the injury to her neck. Mrs F told him that she doesn't have the money to go to a doctor in the country she has been living and has been relying on home remedies.

My provisional decision

In my provisional decision, I said:

There's no dispute that Santander made a mistake when it gave Mrs F's daughter information about a bank account Mrs F was a trustee of. Santander has apologised and acknowledged that its mistake had a substantial impact on Mrs F. That's reflected by the fact that Santander accepted our investigator's initial view and offered to pay £1,500 Mrs F compensation.

The question I need to decide is how much compensation is fair and reasonable to resolve this complaint, bearing in mind the evidence that has been provided about the impact of Santander's mistake on Mrs F.

I will begin by saying that I've no doubt that things have been difficult for Mrs F, and that the Santander's mistake had serious repercussions on her. I want to thank Mrs F for being so open with our service.

Having considered everything Mrs F has said and provided, I'm satisfied that Santander's mistake caused Mrs F substantial distress. I say that because Mrs F has provided us with evidence to show that after Santander told Mrs F's daughter about the account and the amount of money in it, she phoned Mrs F to challenge her about the account. Mrs F's daughter went on to visit Mrs F where she says she was assaulted. The police attended the incident and have provided us with information about what happened. The police report says that no charges were brought against Mrs F's daughter and there wasn't evidence of injury to support a prosecution. Despite this I'm in no doubt that Mrs F was extremely upset by what happened. Mrs F has told us about the embarrassment and shame she suffered as a result of the incident. I'm sure she was worried by the setback to her daughter's health too.

Recently Mrs F has also told us that she has long term problems with her neck as a result of her daughter's assault. She has told us she holds Santander responsible for that and has questioned how Santander is going to support her going forward.

I'm very sorry to hear about the neck injuries Mrs F says she sustained when her daughter assaulted her. However, I'm conscious that Mrs F hasn't provided us with any evidence from a medical professional to support what she has told us about when she sustained her injuries, their severity, or how long they are likely to last. Mrs F has told us that she was too embarrassed to go to a hospital as she was advised to by the police. However, I think

Santander could reasonably expect Mrs F to get any injuries she sustained when her daughter assaulted her treated by a medical professional so that the impact of those injuries on Mrs F could be minimised. Mrs F was living in the UK at the time so she wouldn't have had to pay for medical treatment.

Mrs F has told us that she has moved abroad since the incident and hasn't sought medical treatment for the injury to her neck. She has told us she can't afford to get medical treatment in the country she is living in now and is relying on home remedies. I'm sorry to hear about the pain Mrs F says she is in. However, I'm conscious that it was Mrs F's choice to move a country where she would have to pay for medical treatment. It would be unfair of me to require Santander to compensate Mrs F for injuries that haven't been assessed or treated by a medical professional.

Taking the matter as a whole, I think that the £1,500 Santander has offered Mrs F to resolve this complaint is fair and reasonable. I'm conscious that Mrs F is likely to be disappointed by this, but I'm satisfied that the £1,500 offered fairly reflects the substantial distress Santander's mistake caused Mrs F. I think it's worth saying here that my awards aren't intended to punish Santander for what happened.

The responses to my provisional decision

Santander responded to my provisional decision by saying it didn't have anything to add.

Mrs F said she was unhappy with my provisional decision and willing to pursue the matter in court. She reiterated that she's unable to get a doctor's certificate because of her current location and doesn't have any more evidence to submit to us.

Mrs F also told us that she isn't permanently living in another country. She is just taking some time away from home in the UK to recuperate because of the embarrassment and trauma Santander caused. She says the incident has caused her a lot of flashbacks and she is unable to sleep well at night.

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.

I've considered again what I said in my provisional decision. But I haven't changed my mind about my findings. I'm sorry to hear what Mrs F has told us about the ongoing impact of this matter on her. I'm sure things have been very difficult for her. However, I remain of the view that the £1,500 compensation Santander has offered Mrs F to resolve this complaint is fair and reasonable. I think that amount is fair and reasonable bearing in mind the mistake Santander made and the substantial impact it had on Mrs F.

Mrs F has said she isn't living in another country permanently. I thank her for making that clear. However, the upshot of her living in another country while this complaint has been with the Financial Ombudsman Service is that Mrs F has told us she hasn't been able to get medical treatment to cover the health issues she has told us about. I remain of the view that It would be unfair of me to require Santander to compensate Mrs F for injuries or health concerns that haven't been assessed or treated by a medical professional.

I appreciate that Mrs F is likely to be disappointed by this decision. She has said that she was unhappy with my provisional decision and is willing to pursue the matter in court.

Mrs F is free to pursue the matter in court. She may want to get independent legal advice

about this.

Putting things right

Taking the matter as a whole, I think that the £1,500 Santander has offered Mrs F to resolve this complaint is fair and reasonable. I'm satisfied that the £1,500 offered fairly reflects the substantial distress Santander's mistake caused Mrs F.

My final decision

For the reasons set out above, my final decision is that Santander should pay Mrs F the £1,500 it has offered to resolve this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs F to accept or reject my decision before 9 June 2022.

Laura Forster
Ombudsman