

## **The complaint**

Mrs B complains that Santander UK Plc ("Santander") lent to her irresponsibly and did nothing to support her despite informing it of her gambling problems and other vulnerabilities.

## **What happened**

Mrs B held an account with Santander with an overdraft facility.

Mrs B got in contact with Santander in August 2021 seeking support with her overdraft facility and at the same time disclosed that her father had a terminal illness which had fuelled her gambling addiction and asked for help. Mrs B advised that she was already registered on various gambling help and blocking sites but wanted assistance to block international transactions but was told this couldn't be done with the type of debit card she had.

Santander sent Mrs B a new card and advised Mrs B in November 2021 that transactions could be blocked on this type of card online. Santander's internal screenshots show that Mrs B was able to successfully use this tool on a number of occasions. Santander also provided Mrs B with information about external organisations that were available to assist and support her.

In April 2022 Mrs B advised Santander via chat that the blocks she had activated did not block international payments for gambling and could be switched off instantly. Mrs B asked whether Santander could block all transactions except the ones she says are regular bills or supermarkets. Santander explained it could, but that it would need each company name and the date each last debited and the amount. Mrs B responded that that would take some time and queried whether there was an easier way which there wasn't. Mrs B was given a number to call if the gambling block app wasn't suitable.

Mrs B complained to Santander about this and its irresponsible lending. Santander received an email on 22 September 2022 from Mrs B asking whether Santander could freeze her card and Santander actioned this a few days later on 27 September. This meant Mrs B was no longer able to use her card for any payments and wasn't able to lift the block herself without a request being referred to its media and executive team.

Santander upheld Mrs B's complaint regarding the continued lending and refunded all overdraft fees and charges from July 2018. Mrs B was satisfied with this outcome but doesn't think that the other parts of her complaint were dealt with properly especially regarding its failure to support her when she reached out and informed it of her vulnerabilities and so brought her complaint to this service.

She says the tools Santander provided her with (the gambling transaction blocking) were inadequate and wants a refund of foreign transaction fees relating to gambling payments from when she made Santander aware she was struggling. She says Santander should have taken action sooner and removed the overdraft facility and placed a card block on all transactions sooner.

One of our adjudicators looked into Mrs B's concerns and reached the conclusion that what Santander had already done to put things right was in-line with what we'd recommend and didn't think Santander should do anything more.

Mrs B disagreed and has asked for an ombudsman's 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.

I hope that Mrs B won't take it as a discourtesy that I've condensed her complaint in the way that I have. Ours is an informal dispute resolution service, and I've concentrated on what I consider to be the crux of the complaint. Our rules allow me to do that. And as Mrs B has made it clear that she is satisfied with the outcome regarding the irresponsible lending element of her complaint, the focus of my decision will be on the support Santander provided Mrs B and whether that was fair and reasonable given all the circumstances.

Having considered everything provided, I think it was.

Initially when Mrs B contacted Santander in August 2021 it wasn't able to provide Mrs B with a transaction blocking tool due to the type of debit card she had. But at this point Mrs B had explained to Santander that she'd already registered on various gambling help and blocking sites but wanted help with blocking international transactions. Unfortunately, this isn't something Santander had the ability to do. But Santander did provide her with a new type of debit card that had the capacity to block other gambling transactions and signposted her to external organisations that that could help her.

I understand Mrs B is unhappy that she was able to switch off the blocks she had activated on her account and that they were limited when it came to international payments. But nothing is fool proof and other banks may well have better systems for blocking transactions, but it is not for me to tell Santander how to run its systems or what technology it should have in place.

I appreciate Mrs B in retrospect thinks because Santander had the ability to freeze her card and stop all transactions it should have done this sooner. But that would've left Mrs B without access to any funds and that was not what she asked for and I don't think that would've been a proportionate response to her initial request.

I sympathise with Mrs B and all her struggles, and I applaud her for seeking help. In situations such as Mrs B's I'd expect Santander if it had a tool to assist her in controlling her spending it would provide her with this. Santander did just that. Ultimately the block does what it is meant to do – act as a deterrent and to assist her in managing her money by adding an extra step when making gambling transactions and making her think about what she is doing. I don't think it would be fair to expect Santander to make those decisions for her or deny her the ability to transact at all. And when Mrs B did specifically ask Santander if it was possible for her card to be frozen, it did this within three working days which I think is reasonable.

Furthermore, Santander is a business that provides financial services – it is not a counselling service. So, while I would expect it and its staff if they became aware of specific needs of a customer outside of financial services, to be able to provide information about where to go to seek help or assistance – as Santander did here. I wouldn't expect it to be able to provide that specialist help itself.

Mrs B says Santander should have been reviewing her account activity and removed or reduced her overdraft when she'd informed it about her gambling addiction in late 2021 and that Santander was wrong to continue to provide her with funds in the knowledge that it would be spent on gambling. And I agree. But this is the part of Mrs B's complaint that Santander upheld – that the continued lending was unsustainable - and that is why it refunded all overdraft fees and charges dating back to July 2018 – which is in-line with what I'd expect.

Mrs B wants to be refunded for all foreign transaction fees and gambling payments from the date she asked her card to be blocked. But as I stated above when Mrs B queried whether her card could be frozen Santander did this within what I consider a reasonable period of time. And where a business continues to allow a consumer to use a credit facility which it should have realised was unsustainable, we'd typically expect it to put the consumer in the position they'd be in now if they hadn't paid any further interest and charges on that credit. This means we'd normally expect a lender to refund the interest and charges added to any credit from the point the lender ought to have realised it was unsustainable – not to refund the money the customer has had the use of. And in Mrs B's case Santander have refunded fees from well before she notified it of her difficulties.

That said, we do look at each case individually and on its own particular merits. And while we have a general approach to how we might tell a lender to put things right where it continued to provide credit when it shouldn't have (such as here), we can and will tell it to do something different if there's a strong reason to say that's what would be fair and reasonable to do in the circumstances of that individual case.

I've considered all Mrs B has said about this, but I don't think she has given me a reason for departing from our normal approach to putting things right. What Mrs B has given me is a reason for upholding her complaint regarding the continued lending. And not being able to easily block all gambling transactions internationally or otherwise, is not a mistake on Santander's part. It simply wasn't possible. So I'm not persuaded further compensation is warranted or will make a material difference to Mrs B's circumstances.

So overall and having considered everything I think where Santander has made mistakes, it has put things right for Mrs B in a way that I think is fair and reasonable and I do not think further compensation is warranted.

**My final decision**

For the reasons I've explained I've decided what Santander UK Plc has already one to put things right for Mrs B is a fair and reasonable outcome and I'm not going to ask it to do anymore.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 19 June 2023.

Caroline Davies  
**Ombudsman**