

## **The complaint**

Miss S has complained Santander UK plc won't refund her after she was a victim of fraud. She's also upset about the service she's received.

## **What happened**

Miss S was concerned about fraudulent transactions in 2022. She changed her email address then planned to inform Santander. She was dismayed to find Santander already held this revised address and couldn't understand how that was and felt this was a breach of her rights under the data protection legislation.

She also complained to them about fraudulent transactions and that certain merchants weren't blocked. Santander provided a number of final responses to Miss S on 28 November 2022, 13 January 2023 and 31 May 2023.

Miss S remained concerned about Santander's treatment of her and her concerns. She held a meeting with Santander on 9 July 2024 which finished without a positive outcome. She complained about how she was treated and Santander offered Miss S £25 in a final response dated 18 July 2024.

Still unhappy, Miss S brought her complaint to the ombudsman service on 19 July 2024.

Our investigator confirmed that Santander would not consent to us considering the fraudulent transactions that formed part of her complaint. She'd not brought her complaint to our service within six months of her final responses on those aspects. He reviewed the service complaint Miss S had raised but felt overall, based on the evidence that Santander's offer of £25 was fair.

Miss S has asked an ombudsman to consider her complaint. She's also provided evidence of her medical diagnosis in support of her view that exceptional circumstances stopped her bringing her complaint to our service.

## **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.

As an ombudsman I am not free to consider all complaints that are brought to the ombudsman service. The Financial Conduct Authority handbook on Dispute Resolution provides the rules which cover what the ombudsman service can and cannot consider.

DISP 2.8.2 confirms that the ombudsman service can only consider a complaint if it is brought within the timescales laid down by the rules. This specifically means that if a complaint is referred to our service "*more than six months after the date on which*" the business sent the final response, then it is not within our powers to consider it.

Miss S first got in touch with the ombudsman service in July 2024. Santander provided us with a copy of the final responses they'd provided to her and told us we had no authority to

consider Miss S's complaint.

The last of the relevant final responses is dated 31 May 2023. And before that another two final responses were sent to Miss S. This meant that for a period since 28 November 2022 until November 2023, Miss S could have brought a complaint to our service about the disputed transactions. She didn't.

I am able to consider whether there are any exceptional circumstances which could apply. I note and thank Miss S for the copies of her medical notes. However from those I can see that, despite her health issues which are no doubt serious and limiting, that she wasn't incapacitated, and I believe would have been able to call our service to make a complaint.

There's no doubt Miss S contacted our service more than six months after the date the business sent their final response on the fraud aspects. This means I cannot consider this aspect of her complaint.

I have reviewed Miss S's concerns about the service she received from Santander. This involved a meeting with a member of staff on 9 July 2024. Miss S had wanted to see the branch manager and was disappointed she was, as she felt, fobbed off with a more junior member of staff.

Our investigator wrote in more detail about what happened in his view of 18 December 2024 so I have kept my own comments brief, as I can take into account what our investigator stated.

It is not our service's role to tell banks how to manage their staff and different duties – more whether the person Miss S dealt with treated her with respect and tried to deal with her concerns. Miss S has provided a copy of her recording of the meeting, however I've not listened to this as I'm satisfied Santander didn't consent to this recording. I've also seen Santander's own notes which state their belief Miss S was *"extremely aggressive and so rude"* with the individual having to leave the meeting as Miss S was *"screaming abuse at me"*.

These are strong terms. From what I know, I believe Miss S was becoming increasingly frustrated but was also having difficulty clearly communicating her allegations so I appreciate why she may have found this meeting difficult.

That said, I don't think it would be fair and reasonable of me to ask Santander to do anything further. I'm aware how much Miss S has invested in this complaint and I'm sorry that I can do little to assist her. She can, of course, as she has suggested she may, refer her concerns about data protection to the Information Commissioner's Office.

### **My final decision**

For the reasons given, my final decision is not to uphold Miss S's complaint about Santander UK plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision before 21 July 2025.

Sandra Quinn  
**Ombudsman**