

The complaint

Mr H complains Santander UK Plc didn't intervene when he made two large payments to a gambling company and then failed to support him.

What happened

Mr H was experiencing a downturn in his mental health, and he made two large card payments to a gambling site, for £4,000 and £5,000.

These payments went straight through on Mr H's account, Santander didn't intervene or temporarily block the payments. Mr H contacted Santander a few days later and asked to charge the payments back to his card as he felt the gambling company treated him unfairly.

Santander said Mr H would need to raise any concerns he had with the gambling company direct with the company in question. Santander explained the gambling blocks and controls it had but said it couldn't raise a chargeback.

Mr H explained the effect these transactions had on him, and told Santander he was on strong medication to help him cope. Santander copied its previous answer.

Unhappy with this response, Mr H complained to Santander. Mr H said the gambling company had refunded the £4,000 payment, because of his mental health problems at the time of the payments, but Mr H still asked Santander to refund the full £9,000.

Santander replied to say it had no concerns, at the time, about the payments Mr H made. Santander said there was no gambling block on Mr H's card.

Santander said since it had no concerns about the payments, and no previous concerns about Mr H's gambling, it wouldn't refund either payment to Mr H.

Mr H brought his complaint to this service and an investigator looked into things. The investigator didn't think Mr H's complaint should be upheld. The investigator said Santander wasn't aware of Mr H's vulnerabilities at the time of the payments.

The investigator thought it would be unreasonable to expect Santander to stop a payment simply because it was a gambling payment. The investigator accepted the payments were out of character, but Santander would only pick this up via a fraud check.

The investigator thought a fraud check wouldn't have stopped Mr H making the payments.

The investigator said Mr H contacted Santander four days after the payments, but they thought if Mr H had been contacted sooner, he'd likely have told Santander to make the payments.

The investigator said gambling blocks were now in place, and Mr H was now getting help with his compulsive spending. The investigator accepted this was a difficult time, but didn't

think Santander had done anything wrong, so didn't ask it to refund anything.

Mr H disagreed with this outcome, and said his complaint was no longer about the two payments but a systemic safeguarding failure by Santander. Mr H said Santander's own policies say 'where someone discloses a vulnerability it's committed to offering support'.

Mr H said he wasn't offered any support despite disclosing his vulnerabilities.

Mr H said Santander refused to review his medical records and letters and only received generic, templated responses. Mr H said he received no calls, no human interaction, no protection and no financial or wellbeing checks.

Mr H feels Santander should have paused gambling transactions and initiated a safeguarding review as this is what its policy promises.

Mr H said Santander told him disclosing his mental health condition doesn't change its policy, and Mr H says this is discriminatory.

Mr H said the gambling company refunded £4,000 because it fairly considered Mr H's deteriorating mental health at the time of the payments. But Santander's refused to refund anything, and it's trusted to protect his finances.

Mr H said he didn't wait weeks to report the issue, it was only four days between the transactions and the chargeback request, but Santander did nothing to help him.

Mr H said Santander says it's trained to spot financial abuse and offers tailored support, but this didn't happen for Mr H, so Santander's external messages and actions are different.

Mr H said this was now a wider issue around how he was supported when logging into a bank chat mid crisis. Mr H said a gambling company protected him more than his bank did, Santander had an opportunity to intervene but chose not to.

Mr H still felt a refund of the full £9,000 was fair and in addition asked for a further compensation payment because of the impact this had on him and because of Santander's failure to protect Mr H.

Mr H asked for an ombudsman to decide things.

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'd like to assure Mr H I've looked very carefully at everything he's sent this service about what happened and the medical information he sent in.

I don't think it's in dispute Mr H hadn't told Santander about his poor mental health or any issues he might have around compulsive spending, prior to the payments he made.

And whilst I accept Mr H's behaviour was out of character, and I think it's clear this change in behaviour was driven by Mr H's worsening mental health, I have to look at what Santander knew at the time of the payments being authorised.

There's no dispute Mr H made the two large payments to the gambling company. Since the payments also credited the gambling company, it's confirmed as much in correspondence

with Mr H, there wouldn't be a valid chargeback reason to claim under.

I don't think Santander made a mistake in not raising a chargeback for the two payments.

Mr H transferred several times on the day of the payments and had £9,000.90 in his account when he made the two card payments. Going back four months on Mr H's statements, I can't see any card payments, so the two card payments were out of character.

But both card payments were made by Mr H, and I can see Santander ran a check on them, confirming the merchant had Mr H's correct postcode and other indicators it was Mr H making the payments and not someone else.

Santander's said the payments trigger anything for a further check, but if they had it would have been a fraud check only.

This seems a reasonable thing for Santander to say, there wasn't any recent gambling on Mr H's account, and he hadn't told Santander he had a problem with compulsive spending.

If Santander had carried out a fraud check it's very likely it would just be a confirmation Mr H authorised the payment, either via a text, call or one time passcode. I don't think Santander would have explored the gambling part as it had no concerns about this.

And from what Mr H has said about his mental health at the time of making these payments, I think it's more likely than not he'd have told Santander he authorised these payments.

Mr H has sent this service a letter from his doctor to say his mental health had been worsening and he'd been struggling with controlling his spending.

I'm more persuaded Mr H would have told Santander he'd authorised any payments to gambling companies at the time he made them. Although Mr H thinks an intervention at the time of the payments would have stopped him spending, I don't think this is the case.

And this is further evidenced by Mr H not getting in touch with Santander for four days after making the payments. I think Mr H was struggling with his mental health during this time, and I don't think an intervention, on a payment, from Santander would have changed this.

When Mr H got in touch with Santander it sent him links about how to access support with compulsive spending and how to add a gambling block to his card.

Mr H then spent more money with gambling companies. Although Santander could have proactively applied the gambling block, I don't think this would necessarily have stopped Mr H from spending money with gambling companies.

I say this because the next spending with a gambling company came at the end of the following month and this spending was done by open banking. This means the gambling company asked Santander to pay it money, it didn't take any payments by card.

A gambling block on Mr H's card wouldn't have stopped this spending.

Mr H then spent some smaller amounts of money on his card, a few days later. These payments would likely have been stopped by a gambling block, but Mr H had already paid another gambling company via a different method.

I think it's more likely if Mr H had been stopped from spending on his card, he'd have used another method to gamble. Mr H had a compulsion to spend, and a card block can't stop

every method of gambling.

Unfortunately, I think Mr H's personal circumstances at the time would have meant he'd have tried to spend any way he could and would have continued to gamble even with a card block in place.

Mr H has said he's getting professional help with his compulsive spending, and I'm glad he is. I don't think Santander could be expected to give the level of support Mr H needed to stop compulsively spending, but it did direct Mr H to what support it could offer.

Mr H says Santander should have offered support when he told it he had a vulnerability. Looking at the chat he had with Santander, I think it offered support, it told Mr H about gambling support and how to apply a card block.

I realise Mr H feels this didn't go far enough, but there is a limit to the support a bank can offer. Looking at Mr H's submissions about his mental health at the time, I don't think Santander was an appropriate support, Mr H needed professional support.

Mr H says Santander refused to consider his medical submissions. I don't think Santander necessarily needed to consider these when it looked at the payments Mr H made. What Santander knew at the time of the payments was unchanged by later submissions.

I don't think it would be fair for Santander to apply what it knows now to the time Mr H made the payments. And this is also why Santander said, in its chat:

I'm sorry to hear about the situation with your mental health, but sadly it doesn't affect the situation with disputing a payment.

Mr H feels this is discriminatory, and Santander's treated him unfairly because of his mental health condition, a protected characteristic.

It's not our role to say whether a business has acted unlawfully or not – it's a matter for the courts. Our role is to decide what's fair and reasonable in all the circumstances. But, in order to decide this, I have to take a number of things into account including relevant law and what I consider was good industry practice at the time.

So, although it's for the courts to say whether or not Santander breached the Equality Act 2010, I'm required to take the Equality Act 2010 into account, if it's relevant, amongst other things when deciding what is fair and reasonable in the circumstances of the complaint.

Having done this, I don't think Santander has treated Mr H unfairly. I think Santander was trying to explain what I have above, namely Santander can't apply what it knows now to the time the payments were made.

And Mr H says Santander's trained to spot financial abuse, but I think this is more likely to be the abuse of someone's finances by another party. I don't think this is relevant to Mr H's specific complaint.

I can see the gambling company refunded one of the payments back to Mr H. Mr H says this means the gambling company supported him more than his bank.

But I don't think a refund from another company means Santander must have done something wrong. I don't think Santander made a mistake in allowing the payments out of Mr H's account, so it follows I don't think it needs to refund them.

Mr H has mentioned this is a wider problem, but I can't consider any effect on someone else, I have to decide Mr H's complaint on its own, specific merits.

And having done this, I don't think Santander made an error in not intervening in the payments Mr H made. And even if it had intervened, I think it's more likely than not Mr H would have made the payments anyway.

I also don't think an earlier card block would have stopped Mr H from compulsively spending, unfortunately I think Mr H's poor mental health at the time would have meant he'd have spent compulsively even with a card block in place.

I can see how strongly Mr H feels about what happened, and I know my decision is likely to come as a disappointment. But this doesn't change the fact I don't think Santander made a mistake here, so I can't ask it to do anything more to resolve things for Mr H.

My final decision

My final decision is I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 27 June 2025.

Chris Russ

Ombudsman