

## **The complaint**

Miss C complains that Santander UK Plc misadvised her in branch about her daughter's cash junior ISA and so she opened an account unaware that she wasn't eligible to do so.

## **What happened**

Miss C said that in the past Santander opened a child trust fund for her daughter. Later on, Miss C wanted a junior ISA and was told in branch that she could do this. Miss C said she was told to read the terms and conditions in her own time. But Santander subsequently told her that she can't legally hold a child trust-fund and a junior ISA.

Miss C went to the branch again and said she was told she could have both accounts, but said she was given incorrect information from the beginning. She said she would like to keep the child trust fund and close the junior ISA. She made Santander aware of health conditions that affect her reasoning and need for clear explanations, asking them to log a complaint.

Santander said Miss C opened a junior ISA in March 2024, and it sent her a declaration and the key facts which clearly state that if a child holds a trust fund it must be transferred to the ISA upon opening. Santander couldn't confirm the discussions at the branch at the time, but said when Miss C said her daughter holds a child trust fund it sent her a form for the transfer. Santander said Miss C's mental and physical health issues have been noted on her record.

Miss C wasn't satisfied with this response and referred her complaint to our service. Our Investigator didn't recommend it be upheld. He said Santander provided Miss C with all the key facts about opening the junior ISA including a declaration which she had signed, that stated, 'If the child holds a child trust fund, it must be transferred as part of this application'.

The investigator said Miss C made Santander aware of her physical and mental health issues, but well after March 2024 when she applied for the account and so we can't expect Santander to have taken additional steps to ensure her understanding. He said due to a lack of evidence of Miss C's branch conversation we can't make a finding about this.

Miss C wrote to us that she wants to keep the child trust fund and transfer funds to it from the ISA. She provided information from her parents to support that she was not advised the two accounts couldn't be held. And she requested an ombudsman review her complaint.

Santander provided a note from its member of staff who dealt with Miss C. They said if a customer asks for a junior ISA and doesn't cover anything else off then they would assume the account can be opened. They said all the correct information was in the welcome pack.

## **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 Miss C rejected our investigator's recommendation, her complaint has been passed to me to make a final decision. Having considered the issues, I have come to the same overall conclusion as the investigator, for broadly the same reasons. I will explain below.

I can see that Miss C went to a branch of Santander to open a junior ISA for her daughter. I'm sorry that what should have been a fairly straightforward event has turned into a frustrating and uncertain experience for Miss C. My role is to determine if the business has made a mistake and to see if it has treated Miss C fairly.

It's extremely difficult to make a finding on something which happened face-to-face particularly when the accounts of both parties differ. Where evidence is incomplete, inconclusive or contradictory, I have to make decisions on the balance of probabilities – that is, what I consider is more likely than not to have happened in light of the available evidence and the wider surrounding circumstances.

Miss C says the member of staff told her that she could have both a trust fund and a junior ISA. Her parents have provided their recollections and remember that Miss C asked repeatedly if there was any reason why she couldn't have a junior ISA. But they don't say that Miss C specifically referred to the existence of a child trust fund.

Obviously, it would have been preferable if Santander's member of staff had told Miss C that it is against HMRC rules to hold both a child trust fund and a junior ISA, due to the dual tax advantages that would accrue to one person. However, the member of staff recollected that when a customer asks for a junior ISA without further information then they would assume the account can be opened. They said all the correct information was in the welcome pack that was sent to Miss C when she opened the junior ISA.

From the records I can see that Santander's member of staff is correct about the information within the welcome pack. This includes as part of the application for the ISA a 'Cash Junior ISA Notification Declaration'. This states:

'I declare that: ...

I/the child does not have a Child Trust Fund account. If I/the child holds a Child Trust Fund, it must be transferred as part of this application.'

This confirms Santander's rules (from HMRC) which state (also within the information provided) that if a customer is opening a junior ISA and holds a child trust fund elsewhere, 'you must request to transfer it to Santander.' The form signed by Miss C states, '*A child cannot hold a Child Trust Fund and a cash Junior ISA (of any type) at the same time. Please confirm by ticking the box that you are happy to close the child's existing Child Trust Fund and transfer the full balance, including accrued interest, to Santander UK plc.*'

I'm grateful to Miss C for describing her physical and mental health issues which she said can increase her anxiety and reduce her understanding of information. I can see that she spoke to Santander about this in March 2025 and they have updated their records. However, there is nothing to suggest Santander was aware before this when Miss C opened the junior ISA and so I can't expect Santander to have made adjustments for Miss C in this respect.

The notes from the branch staff at the time of sale say that Miss C was given time to read each document in full and ask any questions that she may have and provided with the Key Facts. From my review of the available information, I agree with the investigator that Santander provided Miss C with adequate information when setting up the junior ISA account. And so, although I sympathise with Miss C for having to close an account, I am unable to see an error made by Santander and so it would not be fair for me to uphold this complaint.

Our service investigates the merits of complaints on an individual basis and that is what I've done here. I think it's important to explain that my decision is final. I realise that Miss C will be disappointed by this outcome though I hope she appreciates the reasons for my conclusions.

### **My final decision**

For the reasons I have given it is my final decision that the complaint is not upheld.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss C to accept or reject my decision before 10 November 2025.

Andrew Fraser  
**Ombudsman**