

## **complaint**

Mr B complains about charges that Santander UK plc has applied to his account.

## **background**

Mr B said that he has been charged large sums of money by his bank for going over his overdraft. He said these charges have been applied even when he has only gone over the limit by a very small amount. He wanted the money he has paid in charges given back to him.

Santander said that it had tried to help Mr B in the past, and it has previously waived charges on his account. It said this didn't solve the problem, and it now wants to talk to Mr B about his financial difficulties.

Our adjudicator didn't uphold the complaint. She said that banks have to be positive and sympathetic when dealing with customers who are in financial difficulties. She looked at what Santander had done to try to help Mr B, and she thought that it had been positive and sympathetic. She said that the bank would like Mr B to talk to a specialist team that can review his situation and perhaps offer more help, but Mr B hasn't talked to them. She said she couldn't recommend that Santander stop all charges. She also said if Mr B was still concerned about his account he could talk to the financial hardship team at his bank, who might be able to help him.

Mr B didn't agree with the adjudicator. He thought the charges on his account were much too high, and that he shouldn't have to declare that he has financial difficulties for the bank to reduce these charges. He asked for his complaint to be passed to an ombudsman for a final decision.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Mr B may be aware that a court case means that the ombudsman service can't consider whether the level of the charges applied to an unauthorised overdraft are just too high. We can consider whether a customer in financial difficulties has received the right support and help from his bank. This is why our adjudicator looked at whether Mr B was in financial difficulties, and whether Santander had tried to help him.

The bank said Mr B had made complaints about high bank charges before, and it showed us complaints going back as far as 2009. It said it had refunded and waived various charges, to try to help Mr B with his financial difficulties. In late 2013, it refunded and waived a number of charges for around three weeks, to try to help Mr B. That didn't solve the problem. Santander now wants Mr B to talk to its financial hardship team, to see if they can get to the bottom of why he is having problems. It has asked Mr B a number of times to do this, but Mr B doesn't want to.

I am not able to consider the level of the fees applied to Mr B's account as a freestanding complaint, which I think is what Mr B would have liked me to do. And looking at everything the bank has done, I can see that it has tried to help Mr B with his financial problems. I know Mr B will be disappointed, but I can't uphold his complaint.

**my final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr B to accept or reject my decision before 11 May 2015.

Esther Absalom-Gough  
**ombudsman**