

complaint

Mr M and his partner complain that Santander UK plc didn't send a text message to Mr M's partner to tell him that Mr M had added an overdraft to his account.

background

In August 2014 Mr M's partner told Santander that Mr M wasn't in a fit state to be financially responsible. He wanted the bank to get authorisation from him before making any changes to Mr M's overdraft. The bank said that wasn't possible as the account was in Mr M's sole name. It did agree to tell Mr M's partner by text message if any changes were made to the overdraft facility.

On 11 September 2014 Mr M arranged an overdraft facility of £750, which was increased on 18 September 2014 to £1,000. The bank didn't tell Mr M's partner about the changes. It says that if it hadn't increased the overdraft then Mr M would've paid charges for unarranged spending. It did pay Mr M £70 for the delay in responding to him.

Mr M complained to us and our adjudicator didn't uphold the complaint. He found that Mr M had asked the bank for the overdraft, and there was nothing to show he didn't understand what he was doing. He didn't think Mr M had lost out or been inconvenienced because of what happened.

Mr M's partner says Mr M wasn't fit to look after his money and the bank knew that. He thinks the bank should refund the £1,000 he says Mr M wasted.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I've come to the same overall conclusion as the adjudicator. I realise Mr M and his partner will be disappointed by my decision.

The account is in Mr M's sole name and I think he is allowed to give instructions to the bank about his account and in this case ask it to give him an overdraft. I've listened to calls Mr M made to Santander and am satisfied that he asked the bank to make the changes to his account.

I think in those circumstances the bank is in a very difficult position. I think the bank was told about the concerns Mr M's partner had about Mr M's finances. I've seen copies of bank records which record these concerns. I also think the bank did agree to tell Mr M's partner by text message when a request for an overdraft was made. But I think it was reasonable in these particular circumstances for the bank to have followed Mr M's instructions.

I don't think it fair to ask the bank to do any more in the circumstances. I think £70 compensation for the delay in responding to this complaint is fair.

my final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 4 January 2016.

David Singh
ombudsman