

## **complaint**

Mrs W is unhappy that Santander UK Plc won't refund bank charges as she is in financial difficulties.

## **background**

In February 2015, Mrs W asked Santander to refund all charges that it had applied to her account for the past seven years.

Santander wouldn't agree to this. It agreed to refund the charges for February and suspend some further charges.

Our adjudicator didn't consider Mrs W's complaint should be upheld. He explained that following the Supreme Court's decision on bank charges in November 2009, charges can't generally be challenged on the grounds they are unfair or too high. And Santander doesn't have to refund charges because a customer is in financial difficulties. He was satisfied that Santander had treated Mrs W sympathetically and reasonably once it was aware of her situation.

Mrs W is unhappy with the adjudicator's conclusions. She says that she doesn't have enough to live on. Mrs W says she is behind on her council tax and mortgage payments because of the charges.

## **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 am very sorry to hear of Mrs W's situation. I appreciate that it may come as a disappointment but I agree with the conclusions of the adjudicator. As I have already explained, I can't require the bank to refund the charges on the basis they are too high or unfair. I can still consider whether Santander treated Mrs W sympathetically and reasonably once it became aware of her financial difficulties. But this doesn't necessarily mean that Santander should be required to refund charges.

I am satisfied that Santander responded fairly when Mrs W spoke to it in early 2015. The bank refunded some charges in February 2015. And agreed to refund fees for March 2015. It also placed a temporary block on charges.

Santander wrote to Mrs W in April 2015 suggesting that she contact the collections team if she was having problems paying her overdraft fees. And our adjudicator gave Mrs W details of the bank's financial assistance team who can talk to customers facing financial problems. If Mrs W hasn't contacted the bank already, I recommend she does. I would expect Santander to treat her fairly if she approaches it to discuss her situation. If after speaking with the bank, Mrs W doesn't consider she has been listened to fairly, she can of course complain further.

## **my final decision**

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs W to accept or reject my decision before 6 November 2015.

Gemma Bowen  
**ombudsman**