

complaint

Ms N complains about the bank charges Santander UK plc has applied to her account. She also complains about the tone of a member of staff in dealing with her.

background

Ms N had become overdrawn a number of times. Her account didn't have an overdraft facility and she incurred charges on each occasion. She didn't have much money so the charges made it harder for her to get back in credit. Over time the bank had discussed the pattern with Ms N and refunded charges to give her a clean start.

Ms N felt the bank must've done something wrong to have refunded charges. She says she was given incorrect advice about the amount of the buffer that applied before charges were made and this caused her to incur charges. She complained to the bank and was unhappy about how a particular member of staff spoke to her. She found this upsetting especially as she was unwell.

The adjudicator didn't uphold the complaint. He said the bank had refunded charges as a gesture of goodwill and there wasn't enough evidence to show that the bank had made an error in the charges applied to the account. He also felt there was evidence that the bank had been sympathetic and positive in trying to help Ms N with her financial difficulties. He said he'd listened to recordings of the telephone calls and found no reason to question the content of the calls or the way the adviser responded to the concerns raised by Ms N.

Ms N wasn't happy with his decision as she felt the adjudicator couldn't have listened to the call she complained about. She felt the decision wasn't fair and she didn't understand where the charges had come from.

my findings

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

Ms N didn't think the adjudicator could've listened to the right call. I have listened to the calls which include the original call and the further calls where Ms N wanted to complain about the bank adviser. I am confident that I have listened to the relevant call and I agree with the adjudicator. I think the staff were professional and appropriate in all of them. The calls did challenge Ms N and discussed a number of issues. I can understand that the conversations were difficult for Ms N who is unwell, but I don't think the tone of the staff was inappropriate on these calls.

Ms N also complained that she was given wrong advice about the size of the account buffer and this caused her to fall back into the same cycle of charges. I don't agree because I can see that even after charges were refunded and the correct position was explained the overdraft exceeded the buffer significantly. I think that even without any charges Ms N would've exceeded even the highest level of buffer suggested so I don't think these conversations made any difference and didn't cause her to incur charges.

In considering the bank's charges the adjudicator explained a 2009 decision of the Supreme Court said that bank charges can't be challenged because they are unfair or too high. So I can't tell the bank to refund charges because Ms N thinks they're unfair. I can look at

whether the bank made an error in applying the charges to the account. I agree with the adjudicator that there isn't evidence to show that the bank made an error in applying those charges.

my final decision

I don't uphold this complaint as I don't think the bank did anything wrong.

Under the rules of the Financial Ombudsman Service, I am required to ask Ms N to accept or reject my decision before 15 June 2015.

Colette Bewley
ombudsman