

## **complaint**

Mr W complains about the way Santander UK Plc dealt with a payment into his business account which Santander later debited. He asks that Santander returns the payment (to him or the sender), refunds charges and apologises. Mr W says he doesn't want compensation.

## **background**

In January 2019 Mr W received a text from Santander to say his business account was overdrawn. When he checked, he found a payment which had credited his account a couple of days earlier had been debited. Mr W contacted Santander. He says Santander was unhelpful. It didn't explain what had happened to the money.

Our investigator didn't recommend that the complaint should be upheld. She said Santander had to carry out checks on payments. The payment was returned as Santander hadn't been able to complete its checks. The investigator said this wasn't unreasonable. No charges were applied to Mr W's account. Since the complaint came to us, Santander accepted the service it provided to Mr W was poor and offered £100 compensation. The investigator said this was fair.

Mr W didn't agree. He said he didn't want compensation. But he did want an apology.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Where the evidence is incomplete, inconclusive or contradictory, I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances.

### *what happened?*

Santander credited Mr W's account with a payment from overseas on 21 January 2019. Santander debited the payment from Mr W's account on 23 January 2019. Mr W had expected the payment and had already made a corresponding payment out of his account.

Mr W contacted Santander on 23 January 2019 about the payment being debited. He called business banking and was transferred to Santander's complaints team. The call handlers couldn't explain what happened or how or when it might be sorted out. The complaint handler called Mr W the following day and said Santander couldn't accept the payment as it couldn't confirm it met legal and regulatory obligations. He said Santander wouldn't be able to tell Mr W what happened to the payment – such as whether it was returned to the sender.

Santander wrote to Mr W on 31 January 2019 asking for information about the payment. Mr W wrote back enclosing an email from the payer's bank explaining the payment. He didn't provide all the information Santander requested.

Santander wrote to Mr W in mid-February 2019 to say the payment had been returned to the sender.

*did Santander make an error?*

Santander needs to have processes in place to ensure it meets legal and regulatory obligations. I can't reasonably find it was wrong to return the payment. But Santander accepts it made errors here. It says the payment shouldn't have credited Mr W's account before it completed its checks. It also accepts its service was poor when Mr W contacted it about the payment.

I've listened to Mr W's calls with the complaint handler on 23 and 24 January 2019. Mr W wanted to sort out the problem with the payment. I understand why he didn't find the calls helpful. And why he was upset by the complaint handler's tone.

Santander needed information about the payment. But, so far as I can tell, it didn't ask Mr W for this information until it sent a letter dated 31 January 2019. It might have been better if the complaint handler had called Mr W back *after* he'd found out what had happened and what information was needed. The complaint handler told Mr W that Santander wouldn't be able to tell him what happened to the payment: Santander wrote to Mr W in mid-February saying the payment had been returned to the remitter.

*what should happen now?*

Santander didn't apply charges to Mr W's account as a result of the returned payment. Mr W hasn't said this caused him financial loss. While I think Santander should pay compensation for the inconvenience caused by its errors, Mr W is clear that he doesn't want this.

After the complaint came to us, Santander admitted it made errors and offered compensation. It's a shame it didn't do this earlier. I'm not persuaded it's meaningful to require Santander to make a forced apology some nine months after the events. I hope that Mr W finds some resolution in Santander's acceptance of its errors. I'll leave to it Mr W to decide whether to accept the £100 compensation it's offered.

**my final decision**

My decision is that I uphold this complaint. I order Santander UK Plc to pay £100 to Mr W if he agrees to accept it.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 25 October 2019.

Ruth Stevenson  
**ombudsman**