

complaint

Mrs G complains that Santander allowed her account to become overdrawn and incur bank charges. She wants the charges stopped and the cause of the overdraft explained.

our initial conclusions

The adjudicator did not recommend that the complaint should be upheld. He concluded that Santander had not made an error and that it was the consumer's responsibility to monitor the balance of her account. Mrs G still considered she had been charged unfairly.

my final decision

To decide what is fair and reasonable in this complaint, I have considered everything that Mrs G and Santander have provided.

Mrs G does not have an overdraft limit and does not consider that Santander should allow the account to become overdrawn. Because of this she does not think the bank charges are fair. In response to her complaint the bank said that the charges taken were in line with its terms and conditions for unauthorised overdrafts. As a gesture of goodwill it refunded charges of £120 and waived another £75 of fees which were due. The bank also provided guidance to Mrs G on how to avoid charges in the future. I find that it is the responsibility of the consumer to monitor the balance on her account and to make sure there is enough money to cover any payments made. I consider that the bank has allowed the unauthorised overdraft in line with the terms and conditions of the account and that the fees charged have been taken correctly. I conclude that the bank has not made an error and that it has responded to this complaint fairly and satisfactorily.

I do not require the bank to take any further action.

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs G either to accept or reject my decision before **22 May 2013**.

signed:

date: 22 April 2013

**John Thornton**

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

#### ombudsman notes

#### what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

#### what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.