

complaint

Mr A complains Santander UK plc (trading as Cahoot) incorrectly applied charges to his account, registered a default and failed to respond to a subject access request (SAR) within the required time.

background

The bank agreed it did not respond within the required time frame to the SAR. It offered to pay Mr A £100. The bank had also previously refunded two sets of charges.

The adjudicator went through each of the charges Mr A disputed and explained why in her view these had been applied correctly as had the default. The adjudicator thought the offer for failing to deal with the SAR on time was fair.

Mr A disagrees. He says:

- if the 23 February 2010 direct debit was returned his balance did not go overdrawn by -£291 and therefore a £30 charge should not have been charged;
- it was only that £30 charge - which shouldn't have been applied - which caused the account be over the limit and then caused another £30 charge;
- there were two over the limit fees charged a day apart – 5 June and 6 June;
- Santander was aware he was receiving help with his debts and totally ignored this;
- the bank failed to respond within a reasonable time to him; and
- he is willing to go to court.

my findings

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

The adjudicator has gone through each of the disputed charges in detail. I won't reproduce what she has said here. But I agree with what she has said about the charges and the default. Mr A when rejecting the adjudicator's recommendation has particularly focussed on two over the limit charges. One on 5 April 2010 and the other on 6 June 2010.

Mr A has said if the 23 February 2010 direct debit was returned his balance did not go overdrawn by -£291 and therefore a £30 charge should not have been charged on 5 April 2010. Mr A's account went over the overdraft limit on 4 February 2010 when the balance was -£253.55. I consider the £30 charge was for that. I therefore don't agree with Mr A when he argues that further charges which flowed from the £30 overdraft fee were incorrectly applied.

Mr A says two over the limit charges were applied in June - one on the 5 June and the other on the 6 June. I can't see a charge on 6 June but I can see one on 5 June and another on 6 July. I consider both were correctly applied.

When a customer tells a bank he is in financial difficulties the bank has an obligation to respond positively and sympathetically. The bank has written off some charges and has tried to explain others. But it hasn't responded to Mr A as quickly as it should including when responding to his SAR.

I consider the £100 the bank has offered – on top of what it has already done – is fair and reasonable in all the circumstances. Mr A doesn't have to accept this award and if he doesn't he will be free to go to court.

my final decision

My decision is that I order Santander UK plc (trading as Cahoot) to pay Mr A £100.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr A to accept or reject my decision before 20 January 2015.

Nicola Wood
ombudsman