

complaint

Mr A complains about Santander UK Plc's refusal to open an account for him.

background

Mr A tried to open an account with Santander. He tells us during the account opening process the adviser suggested to him that there would be no problem opening the account for him. This was because the adviser said he met the bank's eligibility criteria. But when it came to it, his application to open the account was declined. He appealed this decision but the appeal wasn't upheld by the bank.

Mr A thinks this is because either Santander keyed in the wrong information or it got his credit file and CIFAS information mixed up with another person who lives at the same address and has other personal data in common with him. He also explained to us the mistakes other financial institutions had made when he'd applied for credit with them and he thinks this is relevant to what happened here.

Santander told us it keyed in Mr A's correct information when assessing his application. Nonetheless, on this occasion it decided not to offer him an account. It pointed out it is entitled to exercise its commercial discretion to refuse an application to open an account.

Dissatisfied, Mr A came to our service.

Our investigator looked into Mr A's complaint. She did not recommend upholding it. In short, she wasn't persuaded that Santander had made the mistakes Mr A was worried about when deciding whether to open an account for him. Neither did she think that the mistakes made by other financial businesses and what they'd done to put them right, had anything to do with this complaint.

Santander accepted this recommendation but Mr A did not. In summary, Mr A repeated his previous stance. He also explained why he was worried about his ability to get credit in the future. He told us about what he had been doing to make sure the information on his credit file was accurate. He talked about the information that CIFAS held on another individual and the impact of this on him. He expressed concern that Santander's application process was flawed and he suggested the Equality Act 2010 might have been breached.

Mr A asked that an ombudsman review his complaint.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Mr A has provided detailed submissions to support this complaint. But my findings are expressed in considerably less detail and I don't go into every point he has raised. I realise this may disappoint Mr A, that is not my intention, far from it. However, our rules allow me to do this. My role is to make a final decision based on all of the evidence before me, and in doing so I look at the complaint as a whole and focus on those elements that I consider to be material to the outcome.

I can well understand that Mr A is upset that Santander refused him an account. He has given us his take on why he thinks this happened. Santander says this isn't so. Where there is a dispute about what happened, (as is the case here), I have based my decision on the balance of probabilities. In other words, on what I consider is most likely to have happened in the light of the evidence.

Mr A is concerned that what he considers to be his unique personal identifiers were not input into the application process, he talks about his date of birth and middle name in particular. But, Santander's records show that it did have and input both pieces of data. I've no reason in the circumstances to think Santander has provided us with inaccurate information on this point.

Further, he thinks perhaps it declined his application because his credit file is mixed up with someone else's. Santander does not maintain his credit file, so if that was inaccurate, I could not fairly hold Santander responsible for this. He also points to the information held on CIFAS about another individual. But again Santander does not manage that information and cannot be held responsible for what Mr A says are the inaccuracies there.

It seems Mr A would like us to go forensically through each step of the application and appeal process. He would like to know what information was input at each stage and what criteria Santander was looking for. I get why he wants us to do this because he thinks it didn't use his specific information. He has suggested that at some points for instance it did not use his middle name when it should have done, according to his analysis of the situation. But Santander has told us enough about what information it took from Mr A and used when coming to its decision, to make me think, on balance it was his information that it input and based its decision on.

Further, Banks take a number of factors into account when deciding to lend. Nothing I've seen though shows that Santander based its decision on mistaken information as Mr A thinks is the case.

Santander talks about its commercial discretion when it comes to lending. In other words it is saying it gets to choose who it lends to. It is primarily for lenders to decide what credit to make available and on what terms, as long as lending decisions are made legitimately. I've not seen anything here to suggest that Santander exercised its commercial discretion illegitimately.

Mr A is unhappy with Santander's systems. Mr A suggests these are flawed because they don't operate in the manner he thinks they should. What systems a bank has is an internal matter for individual businesses to decide. We don't have the power to tell a business to change its systems. But we can look at whether those systems mean that Mr A was treated unfairly. He mentions the appeal process for example. But nothing I can see suggests that the manner, in which Santander carried out the appeal process or any other process in relation to his application, means that it had an unfair impact on Mr A, just because it did not work in the way Mr A thought it should.

Mr A talks about the mistakes other financial businesses have made. Just because they made errors it doesn't necessarily follow Santander did too.

I do understand that Mr A worries about getting credit in the future. But a hypothetical potential situation is not something I have the power to deal with in this complaint.

Neither am I able to deal with the new points he raises in relation to what he has said about discrimination under the Equality Act. This appears to be a new matter and has not been considered by Santander in its final response to Mr A. It follows that I am unable to look at this matter in this final decision.

my final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 5 April 2020.

Joyce Gordon
ombudsman