

complaint

Miss D complains that – as she is a long-term customer of Santander – it should refund some of its charges on her current account.

background

Miss D has had a Santander current account for some time. On occasions it has been overdrawn and Santander has levied charges. Miss D considers it fair that the bank should refund some of them.

The adjudicator did not recommend that the complaint should be upheld. She concluded that the Supreme Court ruling in 2009 said that such charges cannot be challenged because they are unfair or too high. She said that Santander had applied them in line with the terms and conditions of the account.

Miss D disagrees with the adjudicator's opinion. She says Santander made an error – paying money into the wrong account that had been closed. She says the bank did not help her and caused her telephone costs, upset and stress. She says its payment of £40 compensation was not acceptable.

my findings

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

I am satisfied that Santander levied overdraft charges in line with the terms and conditions of Miss D's account.

The effect of the Supreme Court ruling in 2009 is that such charges cannot be challenged on the grounds that they are unfairly high.

I am unable to conclude that the bank acted incorrectly in levying the charges

I see that – in its final response – Santander apologised to Miss D for the problem with a faster payment of £485 and it had paid her £40 for the distress and inconvenience it had caused. I accept that the bank sent the payment to the wrong account. But on balance I am satisfied that the bank corrected the error within a few days. I consider that £40 is fair and reasonable compensation in line with our usual approach.

my final decision

For the reasons I have explained, my final decision is that I do not uphold this complaint.

Christopher Gilbert
ombudsman