

complaint

Ms R complains about charges applied to her account with Santander UK Plc. She has been experiencing financial difficulties and health problems for approximately six years.

background

Ms R says that Santander should repay all of the charges charged to her account for the last six years. She says that the charges have made her financial situation worse and that Santander has been acting contrary to the requirements of the Lending Code. The Code requires that businesses should deal positively and sympathetically with customers who have been experiencing financial difficulties.

Our adjudicator did not recommend that this complaint be upheld. She found that charges had been applied fairly and that the bank had treated Ms R positively and sympathetically when she complained to it. When Ms R complained, the bank refunded some charges and waived others to help Ms R manage her account. The bank also recommended that she seek advice from various charitable debt counselling organisations to assist with her financial difficulties.

Ms R did not agree with our adjudicator. She says that Santander has not treated her with understanding or support and has disregarded her medical condition.

my findings

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

There is no evidence that the charges applied to Ms R's account were added in error. A bank is not required to refund charges that have been correctly applied. Santander did, however, refund some charges and waive others, to help Ms R manage her account when she first complained to it. I have examined records the bank sent to us and see that there was one earlier reference to Ms R experiencing financial difficulties. This was about six months before Ms R complained to the bank. At that time Santander gave Ms R the option to make a repayment arrangement, but Ms R did not wish to accept this. There are no other references to Ms R experiencing financial difficulties until this complaint.

The bank says it was not aware of Ms R's health issues until she made this complaint and that in any event, it remained the responsibility of the customer to manage their account. It says that as recently as August 2013, Ms R's account was running within its agreed overdraft facility, so there was no indication that her health problems were then affecting her ability to manage the account. The bank did suggest that Ms R may wish to discuss alternative banking facilities that may be more suitable for her given the nature of her illness.

In the circumstances I consider this to be a positive suggestion and one that may assist Ms R in the future.

When it reviewed Ms R's financial difficulties I consider Santander responded positively and sympathetically. It refunded some charges and waived others to bring her account out of a cycle of going over the agreed overdraft facility because of charges. The bank has also provided Ms R with advice about her financial hardship and recommended certain free debt counselling organisations to her.

I have sympathy for Ms R; she is clearly experiencing financial difficulties and issues with her health. This is no doubt distressing for her. I hope that she continues to work with Santander to address her difficulties and consults a debt counselling organisation. I find, however, that Santander has treated Ms R positively and sympathetically and, in the specific circumstances of this case, I do not consider I can fairly require it to refund any additional charges.

my final decision

My decision is that I do not uphold this complaint.

Michael Ranaghan
ombudsman