

## **complaint**

Mrs M complains about fees and charges that Santander UK Plc has applied to her account.

## **background**

Mrs M said that she thinks Santander is charging her much too much for her account. She said it's gone up considerably since the account opened, and she didn't think the amount she was being charged now was fair. She says she's having financial difficulties. She wanted Santander to refund the charges it had applied, and reach an agreement with her to charge less in the future.

Santander said it had refunded fees to Mrs M in 2014, and it wouldn't offer to refund any more fees. And it said that a court ruling in November 2009 meant that bank fees can't be assessed for fairness. The charges had gone up over time, but Mrs M had been notified of those changes.

Santander said if Mrs M wanted to avoid paying fees, she could change her account type. But it said that it had checked the other accounts it has, and none is cheaper while she still has an overdraft that she is using regularly. Santander said that it thought she would have to pay off her overdraft if she wanted to pay a lower monthly amount. It had discussed that with her, but she hadn't wanted to do that. Santander said that she could contact it if she was still having financial difficulties.

Our investigator explained that the court case Santander mentioned does mean that this service can't look at complaints that are about whether fees on an account are too high, or unfair. All we can do is see whether those fees were applied in line with the terms and conditions of the account. She said she'd checked, and the fees were correctly applied.

Our investigator also said that this service expects banks to treat customers positively and sympathetically if they are in financial difficulties. Mrs M had told us she was having difficulties, but our investigator thought that Santander had been positive and sympathetic. It had offered Mrs M options to pay down her overdraft, and it had previously refunded some charges. So our investigator didn't think Santander had done anything wrong.

Mrs M didn't agree with that. She said that her overdraft has always been the same amount, but now it costs much more. She said that she didn't think Santander could justify the increase. She wanted an ombudsman to consider her complaint, so it was passed to me for a final decision.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I've reached the same conclusion on this case as our investigator, and for broadly the same reasons.

Mrs M says that the charges on her account aren't fair. She doesn't think Santander can justify the increases that have happened since she opened this account. But our investigator explained that this service can't look at complaints that say charges are too high, or unfair. So I'm sorry to have to tell Mrs M that Santander doesn't have to justify those charges to us.

Santander does have to make sure that the charges are applied in line with her terms and conditions. Our investigator checked that, and she said they were. I've looked too, and I haven't seen anything that suggests to me Santander has made a mistake here.

I know Mrs M doesn't think banks should be able to put their charges up. But the form Mrs M signed when she first opened her account, about ten years ago, says that terms and conditions "*may be varied from time to time*". That means Santander can change the amounts it charges Mrs M for her overdraft, as long as it follows the rules in the terms and conditions about letting Mrs M know when changes are going to be made.

I can hear on a call Mrs M had with Santander that she says she's had the letters the bank sent about increasing her charges. So I don't think that there's anything to suggest to me that Santander has acted improperly when it has increased the fees on her account.

Our investigator explained that we do expect banks to act positively and sympathetically when someone is in financial difficulties. When Mrs M called Santander, it explored with her how she could pay off the overdraft if she wanted to. And when it wrote to us about her complaint, Santander explained that it has other accounts, but none of the accounts it has would be cheaper for Mrs M unless she paid that overdraft off.

I do think that Santander as behaved positively and sympathetically towards Mrs M. And, as our investigator noted, it has previously refunded some of the fees she'd paid. It didn't have to do that. And I don't think Santander has to reduce or refund these fees now.

I know Mrs M will be disappointed, but I don't think this complaint should be upheld.

### **my final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 20 April 2018.

Esther Absalom-Gough  
**ombudsman**