

complaint

Mr R complains about unfair charges applied to his account by Santander UK plc.

background

Mr R says Santander has applied unfair charges to his account which has caused him financial difficulty. He says as a result he's been unable to buy necessities such as food and the charges have caused his account to be further overdrawn. Mr R would like all of the charges repaid to him.

Santander says the charges have been correctly applied in line with the account terms and conditions. It says it's given Mr R details of specialist team that could provide him with help but says Mr R's main spending is on gambling.

Mr R brought his complaint to us and our investigator explained that we could only look at the last six years of charges. Mr R accepted that view. The investigator thought the charges were made in line with the account terms and conditions and so didn't think Santander had made a mistake or acted unfairly. The investigator also thought Santander had acted positively and sympathetically to Mr R's position by refunding charges and providing details of its specialist debt team.

Mr R doesn't accept that view and says Santander's actions have pushed him into hardship and that their charges are obscene.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so I've come to the same overall conclusion as the investigator for similar reasons. I realise Mr R will be disappointed by my decision.

I've looked at Mr R's account terms and conditions which I think Mr R would have agreed to when the account was opened and can see that Santander can make charges in certain circumstances. So I don't think Santander made a mistake or acted unfairly by making charges here when Mr R's account was overdrawn.

I appreciate Mr R says those charges were too high. But following a Supreme Court case it has been decided that bank charges can't be challenged on the grounds they are too high and so unfair.

Banks and building societies should treat cases of financial difficulties positively and sympathetically. I'm satisfied Santander has acted in such a way here. I can see that it has in the past refunded charges and has also provided Mr R with details of its specialist team that could provide help and support to him. I've looked at Mr R's account statements over the last six years. And having done so I've come to the overall view that on balance it's been the type of Mr R's spending that has caused the account to become overdrawn.

As I don't think Santander has acted unfairly or made a mistake then I can't fairly order it to refund the charges as Mr R would like.

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 R to accept or reject my decision before 1 November 2019.

David Singh
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