

complaint

Mr A complains that Santander UK Plc has unfairly applied excessive charges to his current account. He asks for a refund of the last ten years' charges plus interest.

background

Mr A's current account was opened in 1999 and an overdraft of £100 was set up in 2003. There were two attempts of compulsory account closure which were successfully appealed but the overdraft was removed. He continued to apply for an overdraft facility but each time was declined. Mr A incurred a number of charges from 2005 to 2010. The bank refunded some of these as a gesture of goodwill. Mr A's personal circumstances changed in 2006 when he was diagnosed with cancer. He underwent treatment throughout that year preventing him from working. He moved to live and work abroad in 2009. Mr A argues that given his circumstances, the bank has not been helpful, and full a refund of the charges would assist his financial position.

The adjudicator did not recommend that the complaint should be upheld. She explained that following the 2009 "test case" the charges could not be challenged on the grounds they were unfair or too high. And whilst a bank has an obligation to treat customers in financial difficulties positively and sympathetically, this does not mean it has to refund valid charges. She said that the bank had met its obligations. It had refunded some charges as a gesture of goodwill, but as Mr A had repeatedly failed to provide information to complete an income and expenditure analysis she would not expect the bank to have done more. Mr A disagreed, and asked for an ombudsman to review.

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 not persuaded that there are grounds to direct the bank to make any further refunds. I find that all charges have been applied based on how Mr A managed his account and are in line with the terms and conditions he agreed to. I am sorry that Mr A was unwell and had a difficult few years, but I cannot conclude that the bank should have acted differently.

He did not return the income and expenditure forms and the evidence is contradictory as to whether he informed the bank of his diagnosis in 2006. Whilst the bank has obligations to customers in financial difficulties, we also expect a customer to provide the information the bank requests.

With regards to his view that the level of charges are excessive given the low value of unauthorised overdraft that he used, I can only say again what our adjudicator explained. In the 2009 "test case" the Supreme Court ruled that such charges could not be challenged on the grounds they were unfair or too high.

It is unclear from the evidence Mr A has provided if he is having ongoing financial difficulties, but I would urge him to contact the organisations listed in the email of 12 June 2013 if this is the case.

my final decision

My final decision is that I do not uphold this complaint.

Rebecca Connelley
ombudsman