

complaint

Mrs A complains, for herself and Mr A, that over the last five years Santander has taken over £5,000 in charges on her current account, which has caused her financial problems. She wants the bank to be sympathetic and refund at least 75% of the charges taken.

background

At the end of August 2012 Mrs A contacted Santander to explain that she was experiencing financial difficulties and to ask for its support. She recognised that the bank charges taken from her current account were lawful but she did not consider they were fair. She wanted the bank to be sympathetic to her situation and refund all of the charges taken in recent years to help ease her problems. The bank recognised that she was in a cycle of charges. To assist it refunded approximately £150 of charges which had been taken recently and cancelled any unauthorised overdraft charges which might have been applied in the period to 31 October 2012. The bank also provided the contact details of several free debt counselling organisations and said its collections team was available to discuss alternative repayment arrangements. The bank did not agree to refund any more charges taken in the past as they had been properly charged.

The adjudicator did not recommend that the complaint should be upheld. She concluded, in summary, that Santander's response to Mrs A's request for help had been fair and that its offer had been reasonable. Mrs A did not consider that Santander had been sufficiently sympathetic and supportive in its response and still wanted a more significant refund.

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 dispute that the charges taken from Mrs A's account were in line with the agreed terms and conditions and were taken correctly. The Supreme Court ruling in 2009 said that bank charges on current accounts cannot be challenged on the basis they are too high or unfair. If a customer is experiencing financial difficulties, a bank is expected to respond positively and sympathetically. But it is not required to refund charges which were correctly taken.

It is the role of this service to decide if the action taken has been fair and reasonable in the circumstances of each case. I recognise that Mrs A is experiencing financial difficulties because of unfortunate personal circumstances. I also recognise that she is trying hard to manage her finances. But I find that Santander responded quickly and positively to her request for assistance. I also consider that the nature of its response was reasonable. I cannot fairly require it to refund charges which were correctly taken in the last five years in order to ease her current difficulties. I encourage Mrs A to continue an open discussion with the bank about how best to manage through the current situation and I remind Santander of its continued responsibility to treat her positively and sympathetically.

my final decision

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

John Thornton
ombudsman