

complaint

Mr W and Miss P complain Santander UK Plc didn't close their current account when they requested and continued to add charges and let direct debits be taken. In addition they complain that the account has now been defaulted after lots of fees were added.

background

When in a relationship together Mr W and Miss P opened a joint current account with Santander. Mr W and Miss P have since separated. In March 2016, Miss P says she asked to close the account. She thought this is what had happened. It hadn't been closed and as she had moved from the address registered with Santander she didn't receive any letters from it about the account.

Miss P now realises the account was still open and her debt to the bank had been increasing due to overdraft charges and direct debits that hadn't been cancelled. The account was defaulted in July 2017.

Miss P accepts she didn't initially tell Santander about her change of address. But she feels that Santander should've been aware that the account was in difficulty. This is because she previously informed it of her financial difficulty and because she believed that the account was inactive for a long period of time.

She's unhappy that Santander continued to add charges to the account and let direct debits be paid on the account. She's also unhappy that Santander won't send her correspondence to her new address.

The investigator didn't recommend the complaint be upheld. She:

- Didn't think Santander was wrong in refusing to send correspondence to an address which was not on the account
- Thought the charges had been levied in accordance with the terms and conditions of the account
- Thought by referring Miss P to its financial support team Santander had attempted to understand what her difficulties were and that it was up to Miss P to contact the team which she didn't
- Couldn't see any evidence that Miss P had asked for the account to be closed and noted that there was activity on the account after the date Miss P had said she wanted to close the account. She considered the subsequent activity on the account means that it is likely that either party with access to the account was aware that it was still open
- Whilst sympathetic to Miss P being unaware of the default, she didn't feel she could hold Santander responsible for Miss P not receiving the letters about the default.

Mr W and Miss P disagree. They say:

- The bank hasn't responded sympathetically and positively when considering their financial difficulties – it took five weeks to carry out an initial review and then it blackmailed them to close the complaint
- They don't understand why Santander couldn't have emailed or phoned them before the default especially when they told them they wouldn't receive letters as they were not at the address

- They haven't been helped by Santander and have wasted time and money on numerous trips and calls trying to sort out obtaining information and statements from Santander

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 can understand Mr W and Miss P's frustration. But I'm afraid I don't agree with them that Santander is at fault here.

Mr W and Miss P's relationship ended. They wanted to close their joint account. But there is no evidence that they took the necessary steps to bring this about. Nor did they ensure that the account wouldn't go overdrawn by, for example, cancelling direct debits. Instead they left the address they had shared and failed to give Santander a new address.

Mr W and Miss P think when the account stopped being used regularly Santander should have tried other means to contact them – by phone or by email. I agree Santander could've done those things. But I can't agree Santander was wrong just to write to them at the address they had given it.

Mr W and Miss P also think - even though they didn't get in touch with Santander's financial difficulties team as had been suggested – Santander should've done more to help them. When a customer is in financial difficulties we expect a bank to be positive and sympathetic. But we also expect a customer to provide the bank with information to enable it to see how it can help. By failing to contact the financial difficulties team Mr W and Miss P failed to take the first necessary step towards getting help. I can't therefore agree Santander should have done more before it had a fuller picture of their difficulties.

Looking at the statements I can't see that any of the fees charged have been done so incorrectly. I also think that Santander defaulted the account at around the correct time.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W and Miss P to accept or reject my decision before 4 May 2018.

Nicola Wood
ombudsman