

complaint

Miss O complains about the charges applied to her bank account by Santander UK plc ("Santander").

background

Miss O says she's been stuck in a cycle of charges she can't break out of with Santander for around 10 years. She's had an overdraft throughout that time that currently stands at £1,400. Santander has rejected pleas for a review of her situation. And she's struggled to pay for basic necessities, including food and utility bills.

So, Miss O says she wants the charges Santander has applied to her account over the last 10 years to be refunded, with interest.

Santander says its records confirm Miss O has an agreed overdraft of £1,400 on her account. As per the account terms and conditions, customers will be charged for using an agreed overdraft facility. Its tariff of charges will have changed during the last 10 years. And it gives customers written notice of any proposed changes, with a notice period that allows them to move their account elsewhere if they're not happy with the changes to the terms.

Our investigator thought Miss O's complaint shouldn't be upheld. He said he felt Santander had been clear what the charges would be for Miss O to use her overdraft. As far as he could see they'd been applied in line with the account terms and conditions. And he'd seen information that Santander had taken steps to help Miss O, including refunding some charges.

The investigator also said this service is generally only able to consider complaints about things that happened within six years before the complaint is made. So, he'd only looked at the charges Santander applied to Miss O's account from 2013 onwards.

Miss O disagreed with the investigator's conclusions. She said she didn't believe Santander had altogether acted fairly and that there should be at least a part refund or cancellation of the overdraft that's still outstanding. And she's not suggesting bank charges are unfair, rather that in this instance Santander should be willing to review her complaint with a view to breaking what's clearly been a 'cycle of charges'.

So, the matter has been referred to me to make 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 decided not to uphold Miss O's complaint and I'll explain why.

I see Miss O has had an overdraft on her Santander current account throughout the last 10 years. But as the investigator pointed out, this service is generally only able to consider complaints about things that happened within six years before the complaint is made. And Santander hasn't consented to us looking back any further, as it's entitled to. So, this means my decision relates only to the charges Santander applied to Miss O's account from 2013 onwards.

The information I've seen indicates the terms of Miss O's account entitle Santander to apply charges if she uses her overdraft facility. And I note Miss O doesn't suggest she was unaware of these charges. So, I can't conclude Santander did anything wrong in applying overdraft charges to Miss O's account.

I also see Miss O feels Santander should've done more to help her in view of her financial situation.

This service expects businesses to be positive and sympathetic to a customer in financial difficulty. And I see Miss O has had contact with Santander's financial assistance team. I also see when it learned of her financial situation some charges were refunded to her account. In addition, I see Santander has indicated it's willing to consider arranging a repayment plan that's affordable to Miss O. So, I'm satisfied Santander has been positive and sympathetic in its dealings with her.

So, whilst I've sympathy for Miss O, I'm satisfied Santander has responded appropriately to her circumstances. And, for these reasons, I can't fairly and reasonably uphold her complaint.

my final decision

My final decision is I don't uphold Miss O's complaint against Santander UK plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss O to accept or reject my decision before 2 January 2020.

Robert Collinson
ombudsman