

## **complaint**

Miss H says Santander UK Plc should refund all fees and charges applied to her current account over the last 20 years. They don't reflect the true cost to the bank of her unauthorised overdraft usage.

## **background**

Miss H put this request in writing to the bank in March 2016. She came to us in June 2016 as she had no reply.

Our adjudicator explained that we could only consider fees and charges applied in the last six years because of the rules we have to follow. One of which says, if a business objects, we can't look at events that happened more than six years ago, or more than three years from the date a customer would reasonably have been aware of the events.

He also said that a Supreme Court ruling in 2009 meant such fees and charges can't be challenged on the grounds they are too high or unfair. There was no exception made for people in financial difficulties.

So, these two things meant he could check that all fees and charges for the last six years were applied correctly - so, in line with the terms of the account and how Miss H was operating it. But nothing more.

He concluded that the bank had applied the fees and charges accurately so he couldn't recommend a refund. And as the level of the fees and charges is a commercial decision, we couldn't comment on it.

He also said that Santander hadn't responded to Miss H's complaint with the set regulatory timescale of eight weeks. For this it recommended the bank pay £150 compensation. Santander agreed, but saying it did so solely to draw the complaint to a swift conclusion for the customer. Miss H rejected the offer and said she wanted to continue her claim of unfair charges. So the complaint was passed to me.

## **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 reached the same conclusion as the adjudicator and for the same reasons.

I can find no grounds to tell Santander to refund the charges applied to Miss H's account over the last six years. There is no evidence of bank error. And as we've explained the November 2009 Supreme Court ruling prevents any challenge on the basis the charges are too high or unfair.

I'm satisfied £150 is fair compensation for the bank's failure to respond to Miss H's letter.

## **my final decision**

My decision is I don't uphold this complaint. I leave it to Miss H to decide whether to accept the £150 offered by Santander UK Plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 14 November 2016.

Rebecca Connelley  
**ombudsman**