

complaint

Miss S complains that Barclays Bank PLC will not refund bank charges and provide compensation for poor service.

background

Miss S received a refund of bank charges in October 2014. But since then further significant charges have been applied to her account. She wants all of these refunded. She's also unhappy at the length of time she has been on the phone with Barclays and says she has been wrongly accused of swearing at a member of staff.

The adjudicator did not recommend that the complaint be upheld. She said that:

- In October 2014 a refund of £240 plus compensation of £25 had been paid to Miss S.
- At that time Barclays had asked Miss S to go through a list of her standing orders and direct debits to see which could be cancelled.
- Unfortunately this was not done and further fees had been applied when items had not been paid and her overdraft used.
- The fees were applied correctly and Miss S bore a responsibility to manage her account within the overdraft limit.
- She noted the Supreme Court Judgment in 2009 which said that bank charges could not be challenged on the basis they were too high or unfair.
- There was no record of Miss S being accused of swearing and she said that it was her choice to continue long conversations with Barclays.
- She didn't think Barclays needed to do any more.

Miss S did not agree and wanted her complaint to be reviewed. She said she is in financial difficulty and this has not been taken into account. She is unhappy she is being accused of lying about what's been said to her. She said she would take her claim to court if she is not successful with her complaint.

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 don't doubt that Miss S is in financial difficulty. I'd expect Barclays to treat her positively and sympathetically. But that doesn't mean it must take any particular action including for example to refund charges.

Here in October 2014 when it looked at Miss S's financial circumstances it decided it was right to refund fees that had built up. I think that fairly gave Miss S the opportunity then to operate her account within the limit. I've looked at her account statements and can see that the number of items returned unpaid has increased since then.

I think it was reasonably clear to Miss S when fees would be applied. And I can't see that any error's been made. So I don't have a basis to ask Barclays to refund further fees. I note that in September 2015 it did refund a further £32- then it seems when some regular payments were not cancelled in time. I'm not going to ask it to do any more.

I can't add anything to what the adjudicator's said about the telephone conversations and the allegation. We have to look at both sides and Barclays has no record of Miss S swearing

and that, as a result, she has been treated any differently. There's not enough evidence to persuade me it's acted unreasonably.

Subject to any relevant time limits, Miss S is free to pursue her complaint in court if she does not accept my decision.

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 Miss S to accept or reject my decision before 30 December 2015.

Michael Crewe
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