

complaint

Miss V complains about how Santander UK Plc treated her while she was experiencing financial difficulty.

background

Miss V had a current account with Santander. Although the account largely operated within its agreed overdraft limit, on occasions the limit was exceeded and the bank applied charges to the account. Miss V says that the charges were excessive and unfair. She also considers that the charges added to her financial difficulties. She wants the charges to be refunded.

Our adjudicator did not recommend that the complaint should be upheld. In summary he considered that:

- The recent Supreme Court decision means charges cannot be challenged as being too high or unfair.
- Santander was not obliged to refund charges that were applied in line with the account's terms and conditions. But it had an obligation to treat Miss V positively and sympathetically if she experienced financial difficulty.
- In this case Santander has, as a gesture of goodwill, agreed to refund some charges and suspend others. It has also given Miss V details of its collection department and free debt advice agencies that might assist her. So Santander had fulfilled its obligation to treat Miss V positively and sympathetically
- As the account balance was now £1 Miss V could not be trapped in a cycle of charges as she suggested.

Miss V does not agree. In summary she says she is generally unhappy with the level of charges and assistance offered by Santander. She does not consider she was offered the necessary help to break the circle of charges. She has asked for an ombudsman review.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Having done so, I agree with the conclusions reached by our adjudicator for broadly the reasons given.

Miss V complains about the application and level of charges on her account. But, as the adjudicator has explained, the Supreme Court has now ruled on them, so there is nothing more I can add. My decision on this complaint does not, therefore, deal with the fairness or legality of those charges.

Banks are required to deal with customers in financial difficulty positively and sympathetically, but this does not necessarily mean that a bank must refund or suspend charges and interest.

In this case, I am satisfied that Santander has nevertheless refunded and suspended some charges and given Miss V information on bodies that might have been able to help her. In doing so I consider Santander has acted positively and sympathetically to her financial difficulties.

I am also not persuaded that she was trapped in a cycle of charges as she has suggested.

Overall, although I recognise Miss V's frustration, I see no compelling reason to change the proposed outcome in this case.

my final decision

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

Stephen Cooper
ombudsman