

complaint

Miss W complains about current account charges that Santander UK Plc ('the Bank') put on her account and the service the Bank provided.

background

Miss W, a student, went abroad for a period of months and told the Bank that she was doing so. Her current account, as far as she was concerned, was being looked after for her by her mother. Unfortunately, her mother was unable to deal with the account because she didn't have a password which would have been needed to do this. Over a period of time the account built up charges, mostly from becoming overdrawn without the Bank's permission and from a repeated difficulty with a direct debit not being paid. Other charges were added to the account when Miss W tried to clear the overdraft.

Miss W, who was a long way away, in a place with poor communications, felt that the charges weren't fair. Also, she thought that the Bank had failed to discuss things with her mother and not contacted her to discuss things. She contacted the Bank who explained why they'd made the charges and what their policy was on others trying to act for the account holder.

One of our adjudicators looked into Miss W's complaint. Among other things he listened to recordings of telephone calls held by the bank. He questioned the Bank about the contact details that they held for Miss W and the efforts that they made to get in touch with her. And he asked about their process for allowing a person other than the account holder to discuss the account.

The adjudicator was satisfied that the Bank did try to contact Miss W. At one point he found that the Bank spoke to Miss W when she wanted her correspondence to be sent to her mother but she failed the security procedure and the Bank couldn't help her further on this.

The adjudicator said that as far as the charges were concerned they were in line with the Bank's terms and conditions. He didn't think that the Bank had applied them incorrectly. Also, he thought that the Bank had told Miss W about any charges before she had to pay them.

The adjudicator thought that the Bank had done nothing wrong and made no award in favour of Miss W. Miss W wasn't happy with that conclusion and asked for an ombudsman to review it and come to 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.

It's hard not to feel some sympathy for Miss W. She was many thousands of miles away and trying to make sure that her bank account was running properly. But that's the case whether someone is living down the road from the bank or in another country. Once you open a bank account it's up to you to stick to the terms and conditions and, if there's a change of circumstances, to make sure that the bank knows and has agreed what to do about it.

I have no reason to doubt that her mother did her best to explain the position when she got on the phone to the Bank after Miss W had left England. On the other hand, Miss W didn't supply any evidence from her mother about what was said by her, to whom and when. And I don't doubt that Miss W did speak to the Bank about her going to live abroad. But there was nothing in place before Miss W went abroad about how to deal with her account or who could deal with it on her behalf. The Bank couldn't be expected to keep trying to contact her, even if the communications were poor in the foreign country she went to.

On the other hand the Bank did apologise for any confusion that there might have been over its policy about passwords (so that someone else could operate the account for Miss W with her authority). And, on balance, I feel that that confusion could have led to several of the problems that arose here. As a result I'm going to award Miss W £75 for the distress and inconvenience caused.

my final decision

For the reasons I've given, my final decision is that Santander UK Plc should pay Miss W £75 for the distress and inconvenience caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss W to accept or reject my decision before 27 March 2017.

Jeremy Lindsay
ombudsman