

complaint

Ms C complains about the fees charged on her current account by Santander UK Plc (“Santander”). She also complains Santander have failed to investigate her complaint.

background

Ms C says the charges on her current account over a number of years are not fair or proportionate and they've made her financial situation worse. Ms C told us she was in financial difficulties and Santander failed to recognise this or undertake a full investigation. Ms C would like a refund of all charges.

Santander told us the charges applied to the account are in line with their terms and conditions. The bank said they'd taken action on the account to assist Ms C in the past. Santander also told us they referred Ms C to their “Financial Assistance Team” in respect of the current complaint to assess her financial position. Santander says they have acted in a sympathetic and positive way.

Our adjudicator reviewed Ms C's account and found that the charges were applied correctly in line with the terms and conditions and that Santander had attempted to assist Ms C. So they did not uphold the complaint.

Ms C disagreed with the adjudicator. Ms C felt the adjudicator hadn't given a reason for the decision or looked at a number of issues which she'd raised. The case has now come to me for a decision.

my findings

I've considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done this, whilst I appreciate, given Ms C's strength of feeling, that this is likely to come as a disappointment to her, I agree with the adjudicator and for mainly the same reasons.

I've looked at the bank statements and terms and conditions that have applied to Ms C's account over the years. And I've thought very carefully about whether all these charges were applied fairly and reasonably in Ms C's particular circumstances. Having done so I find nothing to suggest other than the charges were applied in line with the account terms and conditions. As the adjudicator explained, the Supreme Court ruled these sorts of charges can't be challenged on the basis they're unfair or too high, so I can't uphold Ms C's complaint on those grounds.

Ms C told us the charges made her already difficult financial situation worse. I can see that Ms C has taken steps over the period in question to remain within her authorised overdraft limit and appreciate this must've been difficult for her at times. But for a time, Ms C was able to make monthly payments to a savings account. And it appears she's been able to transfer money from another account into her current account when required. I see that Ms C used her overdraft both when she was in work and unemployed and on occasions she's gone above the authorised overdraft.

I can also see Ms C made Santander aware of her difficulties in 2010, 2013 and as part of this complaint which started in April of this year. In 2010 some charges were refunded. In 2013 on two occasions fees were reversed or waived and further fees were held until early

2014. I've taken into account that we expect banks to treat customers who are in financial difficulty positively and sympathetically. And it seems to me Santander have done that for Ms C both in the past and during this complaint when they referred the case to their "Financial Assessment Team". I note the arranged appointment did not take place and Ms C chose not to discuss her situation with the bank because she said she was already getting help from a free advice charity.

Ms C says that Santander failed to investigate her complaint on this occasion but I don't agree. I think Santander have done what they should but Ms C has declined the help offered so the bank hasn't been able to do a full assessment of her circumstances. In responding to a customer in financial difficulty a bank don't have to remove or reduce charges or to stop ongoing charges if an account is overdrawn or beyond its authorised limit. So although Ms C is unhappy that Santander made no provision to reduce her debt and the charges are ongoing I think they've suggested other, appropriate steps to help her.

It may've been helpful for Santander to provide Ms C with a list of the charges that have been applied to her current account but they've sent her monthly statements showing the charges. And I think Ms C's management of the account suggests she was aware when she was reaching the authorised overdraft limit and took steps, when she could, to avoid going beyond this limit. So I think Ms C was aware of the position and the charging structure and I don't think she's been disadvantaged as a result of not being given a separate list of the charges. We have details of the activity on Ms C's account from 2009 onwards and can send Ms C copies if she wants them.

So looking at this case overall, I agree with the adjudicator that Santander hasn't done anything wrong. Although I know Ms C will be disappointed, I can't uphold this complaint and ask Santander to take any further action in these circumstances.

my final decision

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

Under the rules of the Financial Ombudsman Service, I am required to ask Ms C to accept or reject my decision before 3 September 2015.

Annabel O'Sullivan
ombudsman