

complaint

Mr M has complained Santander UK plc acted irresponsibly in increasing his overdraft a number of times over a five month period.

Mr M has been represented in his complaint by his father.

background

Mr M has a current account with Santander. He had an overdraft limit of £150 but requested a few increases in March and April 2014. His overdraft was increased to £450. Within four months his overdraft stood at £1,450. And then one day he applied for three further increases, and was granted two of them. His overdraft then stood at £1,850.

This year Santander told Mr M how much he'd paid for his overdraft. His father, on his behalf, complained to Santander. They told him they'd not done anything wrong. They'd assessed Mr M's ability to repay based on how he ran his account. They had seen he'd repaid in the past.

Mr M brought his complaint to the ombudsman service. Our adjudicator reviewed the evidence and told him she didn't feel Santander had done anything wrong. She told Mr M we don't have the power to tell banks they need to review their systems, as that's the job of the regulator.

Mr M is unhappy with this outcome, particularly as another bank had agreed to write off some debt he'd had with them. He's asked an ombudsman to review his 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 can see why Mr M's father is so unhappy with what's happened. He thinks it's very odd Santander agreed two increases on his son's overdraft in one day. But I've looked at his son's account at that time in August 2014. I suspect his son may have misjudged what level of overdraft he was going to need to cover the large payment coming out of his account.

I know Mr M may disagree but I don't think the issue is Santander agreeing two increases on that day. Rather would they have approved the request for £1,850 first off? And from what I've seen, I expect they would have. .

At that stage Santander believed Mr M was employed. There's evidence of a salary payment into his account in May 2014. I can also see regular monthly payments into his account showing Mr M was paying off his overdraft even if he was relying on it at certain times in the month.

In which case I don't believe it's unfair Santander increased Mr M's overdraft in the way they did.

Mr M was unhappy our adjudicator told him we don't comment on a bank's processes or procedures. I'd add this isn't completely true because if I believed those had an unfair impact then I would. But I've not seen any evidence which shows Santander treated Mr M unfairly

by agreeing increases to his overdraft. What I can't do, as the ombudsman service is not the regulator for financial services businesses, is tell a business to change its processes.

My role is to look at the specifics of Mr M's complaint and not the wider aspects of how Santander make decisions to amend overdraft limits.

Mr M is right his bank has a duty of care to him. But I've not seen anything which suggests they've not carried that out properly. Mr M has used the overdraft he's been given and I believe he knew what the charges were. I'm sure Santander were clear what those would cost him. I suspect seeing them total £300 in the letter Santander sent in May 2015 did make him start and wonder whether his overdraft was the right option for him. But that doesn't mean Santander has behaved unfairly.

I know Mr M has a limited income and is having difficulty paying off his overdraft. Santander has refunded some fees and charges this year. They also have an obligation to treat Mr M positively and sympathetically knowing his financial difficulties. Santander are happy to set up a repayment plan so Mr M can pay what he owes based on what he can afford. We've made sure Mr M has their contact details.

my final decision

For the reasons I've given, my final decision is not to uphold Mr M's complaint against Santander UK plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 4 January 2016.

Sandra Quinn
ombudsman