

complaint

Mr and Mrs H complain that Santander UK Plc (“Santander”) should not have made payments such as direct debits when there were insufficient funds in their account for the payments to be made without the account going into unauthorised overdraft. Mr and Mrs H also complain that the bank has manipulated the account so that higher charges are incurred. They say that if the bank had refused to make direct debits, there would have been no unauthorised overdraft and the charges would have been lower.

background

Mr and Mrs H’s bank statements show that they have a number of regular payments from their account. These include various monthly direct debits and a standing order. Mr H has asked Santander to reject direct debits when there are insufficient funds in the account. Santander has responded that it is unable to do this. As a result of such payments, significant, including daily, charges are incurred. Mr and Mrs H accept that Santander acted reasonably in refusing to grant them an overdraft facility.

The adjudicator did not recommend that the complaint should be upheld. He considered it was the account holders’ responsibility to ensure that there were sufficient funds in the account to cover pre-notified debits and charges reasonably applied to the account.

Mr and Mrs H rejected his conclusions. They say Santander was manipulating the account to ensure maximum charges were incurred; they also say that Santander is responsible for ensuring that sufficient funds are available to cover the direct debits and charges.

my findings

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

I am satisfied that Santander is entitled, under the account terms and conditions, to meet Mr and Mrs H’s payments – including direct debits – even if this makes the account overdrawn. I appreciate Mr and Mrs H would prefer Santander to contact them before making these regular payments. But I do not consider it is required to do so. Rather, it is for Mr and Mrs H to make sure they have sufficient money in their account to meet their regular payments or charges that have been pre-notified to them.

It is open to Mr and Mrs H to consider how they could rearrange the timing of regular payments, like direct debits, with the companies which collect them. Or they could cancel the instruction if they know they will not have enough money to cover the payments. But Santander is not required to monitor their account or to agree only to make payments if there is sufficient money to cover them. It follows that I cannot fairly uphold their complaint.

my final decision

My decision is that I do not uphold this complaint.

Angela Black
ombudsman