

## **complaint**

Mrs J complains that Santander UK Plc didn't treat her properly when she started getting into financial difficulties.

## **background**

Due to an oversight Mrs J incurred charges for an unauthorised overdraft. She paid some of them off and wrote to Santander asking if it would remove any further unauthorised overdraft charges to allow her to get back in control of her finances. But it continued to make these charges. Her debt continued to grow and she offered Santander £20 a month to help reduce the balance. And she asked it to suspend the charges while she made those repayments. But she says it didn't respond.

Santander said that when Mrs J first contacted it in November 2017 her account was with its collections team. The bank said it needed to speak to her to understand her circumstances but she didn't want to do this. Santander suggested she visit one of the branches but she didn't do so. So Santander suggested she complete a letter of authority so someone could speak to it on her behalf. But she continued to contact the bank electronically. So it wasn't able to try and help her. Mrs J has now repaid the debt. She asked Santander to close the account. It waived the final charge and closed the account on 11 April 2018. But it didn't think it'd done anything wrong.

Our investigator could see that Santander had applied the charges in line with its terms and conditions. She said the collections team could only discuss repayments on the phone. But she could see it gave Mrs J an alternative option of either going into the branch or completing a letter of authority for someone else to discuss her situation over the phone. She acknowledged the bank should've given her those options earlier but it's paid her £55 compensation for the delay in giving her the information. And it waived the last £95 charge. So she didn't think Mrs J's complaint should be upheld.

Mrs J wasn't happy with this and wanted an ombudsman to review it.

## **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 agree with our investigator that the charges Santander applied to Mrs J's account were in line with its terms and conditions so I don't think it's made any mistake in adding these to Mrs J's account. But it seems to me that Mrs J's main complaint is that having applied these charges Santander didn't help her when she started getting into difficulty.

When a consumer gets into financial difficulties and contacts a bank to try and sort things out we would expect it to act in a positive and sympathetic way. We would expect it to listen and discuss what help it could give in the consumer's particular personal circumstances. But to do this the bank would normally have to take details of income and expenditure so that it could understand the current financial position. And we would expect the consumer to co-operate with the bank and give it the information it needs.

Mrs J communicated with Santander online. It asked her to contact it in person so it could discuss her difficulties with her. She explained she had problems doing that so it suggested she went into her local branch. And when she didn't do take that option it said she could give someone a letter of authority to act on her behalf. But that didn't happen either. So it seems to me that Santander tried to help Mrs J in a positive and sympathetic way and I don't think it could've done anything more.

Mrs J wants Santander to refund some of the charges. And that can be one of the options a bank considers when someone is in financial difficulties. But Mrs J didn't give it details of her income and expenditure which it could've used to see if it was appropriate to write the charges off.

Santander has paid her £55 compensation for its delay in giving her some of its contact options. It has written off one of the charges of £95 when it closed her account at her request. For the reasons I've given I'm not going to ask it to do any more.

### **my final decision**

My decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs J to accept or reject my decision before 11 August 2018.

Linda Freestone  
**ombudsman**