

complaint

Ms F complains about the level of bank charges applied by Barclays Bank PLC and that these have resulted in financial hardship.

background

The adjudicator did not recommend that Barclays do any more than it had already and which was to pay Ms F £50 for the slow response to her complaint. She sent Ms F information about a Supreme Court judgment on bank charges which said that these could not be challenged on the basis that they were too high or unfair. She could not see that Barclays had made an error in applying the charges. Ms F was already in contact with a debt advice agency which had considered her financial position. She noted the high level of discretionary spend that Ms F made on items such as gambling and said that she did not consider Barclays had acted unfairly in not refunding bank charges.

Ms F did not agree and she was particularly unhappy that the adjudicator had judged her. Ms F said, for example, that her spend on gambling was linked to a medical condition. She says that her financial hardship has been made worse by the bank 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 can see that over a period of six years a substantial level of bank charges has been applied to Ms F's account. The adjudicator has already referred to the relevant Supreme Court judgment in 2009. This found that bank charges could not be challenged as too high or unfair and this applies even in cases of financial hardship.

There is no evidence to suggest that the charges have not been applied correctly in line with the tariff of charges. The latest bank statement I have seen for Ms F shows that she has an overdraft of about £200 and this is relatively small compared to her other unsecured debts. She has approached a third party for advice and it has recommended an approach to her. I would expect Barclays to act positively and sympathetically in dealing with any proposals she makes for repayment of her overdraft given her wider financial difficulties.

I appreciate Ms F has made her own choices about discretionary expenditure and this does not affect my view of the outcome of this complaint. An analysis of her income and expenditure will be something though I would expect to be taken into account by Barclays in reviewing any proposals she makes.

I know she will be disappointed by my decision.

my final decision

In light of the above my decision is that I do not uphold this complaint.

Michael Crewe
ombudsman