

### **complaint**

Ms S complains about overdraft charges applied to her account with Santander UK Plc.

### **background**

Ms S is unhappy about overdraft charges. The charges have been applied since July 2017 but Ms S hasn't been checking her statements regularly and only found out about the charges recently.

Ms S says that she wasn't told that the charges would be applied. She says that she's experiencing financial difficulties and can't afford to pay the charges. She wants all of the charges refunded.

The investigator didn't uphold the complaint. She said that the charges had been applied in line with the terms and conditions of the account.

Ms S didn't agree. She says she received text messages from Santander between July and September 2017 telling her that she was overdrawn but that these didn't make it clear that she would be charged.

### **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've looked at the terms and conditions of the account. These say that charges can be applied for arranged and unarranged overdrafts.

I can see from Ms S's statements that she has been charged for using her arranged and unarranged overdraft. I appreciate that Ms S didn't realise that these charges had been applied for several months and that it will have come as a shock to her. However the charges have been applied in line with the terms and conditions of the account so I can't say that Santander has done anything wrong.

I understand that Ms S feels that the text alerts which she received didn't make it clear that she would be charged fees. But taking into account the fact that Ms S would have been aware from her statements that she was overdrawn and that charges had been applied, I think that Ms S knew or should have known that she was being charged fees. And because Santander sent Ms S several text alerts, I think that the bank has acted reasonably in bringing the charges to Ms S's attention and in giving her the opportunity to bring her account back into credit to avoid further charges being incurred.

I appreciate that Ms S is experiencing financial difficulties. But I'm unable to ask Santander to refund the charges because these have been applied in line with the terms and conditions. It may be possible for Ms S to ask Santander if she can enter into a repayment arrangement to repay the charges. Miss S should make enquiries of the Financial Support Team about this.

**my final decision**

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms S to accept or reject my decision before 28 March 2018.

Emma Davy  
**ombudsman**