

complaint

Ms G complains that Santander UK plc won't refund overdraft charges and interest on her current account. She says it was unfair that the bank added charges to her account as she was in financial difficulty.

background

Ms G has held her current account with Santander for a number of years. She has periodically been charged fees on her account. Ms G wants the charges to be refunded as she doesn't think Santander has treated her fairly.

Santander had previously refunded some charges and had offered to discuss Ms G's financial position further. It didn't agree to refund any more charges.

The adjudicator didn't recommend that the complaint should be upheld. She thought the bank had acted reasonably in refunding some charges and offering to discuss things with Ms G.

Ms G doesn't accept that Santander did enough to help given her particular circumstances. She considers that an overdraft would have helped her but Santander hadn't agreed to provide this.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

As the adjudicator explained, the Supreme Court ruled that the sorts of charges Ms G is complaining about can't be challenged on the basis that they're unfair or too high. So I can't tell the bank to refund charges just because that Ms G doesn't think they're fair.

Santander says it followed its terms and conditions when it added the charges on Ms G's account. I'm satisfied that it was allowed to add the charges. Banks do have a duty to treat customers who have financial difficulty positively and sympathetically. This doesn't mean they have to refund or stop interest and charges.

Santander had previously refunded a number of charges to Ms G. It also offered her the opportunity to discuss how best to manage her account and gave her details of free debt advice agencies that might help.

It's for Santander to decide whether an overdraft should be granted. It may be that Santander considered that in Ms G's case, an overdraft wouldn't have helped her. Overall, I consider that Santander acted reasonably and responded positively to Ms G's situation. I don't think it would be fair and reasonable for me to tell it to refund any more charges on Ms G's account.

I think it's important that Ms G contacts Santander for a full review of her financial position. I have no reason to think that Santander won't be willing to discuss Ms G's options with her so that a helpful solution can be found.

my final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms G to accept or reject my decision before 23 November 2015.

Loucia Kyprianou
ombudsman