

complaint

Mr W complains that Santander UK Plc charged him excessive unarranged overdraft fees on his account. He says he has been badly treated by Santander for years and would like it to pay him £200 compensation for the distress and inconvenience it has caused him.

background

Mr W held a current account with Barclays for 15 years, and says that over that period, he paid the bank thousands of pounds in unarranged overdraft fees. He says the fees were excessive, and that he would like the bank to pay him compensation of £200 for its poor treatment of him.

Our adjudicator did not recommend that the complaint should be upheld. She considered that Santander had shown that it had told Mr W about the charges, and had applied them correctly. Because of this, she was not able to find that they were unfair or applied in error, so could not ask the bank to refund them or otherwise compensate Mr W.

Mr W does not agree, saying he has been treated badly by Santander and that it must compensate him for 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.

It's clear that Mr W is extremely upset at having paid unarranged overdraft fees to Santander and that he considers that these were set at an excessive level. But a decision by the Supreme Court in 2009 means I'm not able to find the fees are unfair if they were applied in line with the account terms and conditions. Santander has provided evidence to show that the fees were correctly applied, and that Mr W was told about them in the terms and conditions and on his regular statements. Because of this, I can't say that the bank acted unreasonably in applying the fees and I can't ask it to refund them.

As regards Mr W's compensation request, I can only do this where it would help put a customer in the position he or she would have been in had the bank's error not occurred. Because Santander hasn't made an error here, I can't require it to pay compensation. In such situations, a dissatisfied customer will often consider switching banks, and I note this is what Mr W has done.

Mr W has also complained that Santander wasted his time with poor customer service, causing him distress and inconvenience. I'm afraid that as this was not part of his original complaint I haven't been able to address it here, and he would need to bring it as a separate complaint to allow Santander to investigate and respond to it.

my final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 18 July 2016.

Catherine Wolthuizen
ombudsman