

complaint

Ms B complains that Santander UK Plc mishandled her current account.

background

Ms B lost her husband and by about May 2010, had got into difficulties with her overdraft. Much later she complained that Santander had asked her to pay too much.

Our investigator didn't recommend that the complaint should be upheld. She thought that Santander had applied all charges in line with the terms and conditions of the account and refunded a proportion of them to help bring down the outstanding amount.

Ms B disagrees with the investigator's opinion. She says, in summary, that Santander wouldn't help her pay off the balance by instalments.

my findings

I don't have the legal power to consider complaints about events which happened more than six years before Ms B brought her complaint to us and which she could've complained about at the time – unless there are exceptional circumstances.

Ms B opened her account in 2007, with an agreed overdraft limit of £300.

By May 2010 Ms B had asked the bank to freeze the account and stop charging overdraft fees. If she was going to complain that Santander should never have given her an overdraft, I think she could've complained at that time.

Ms B didn't complain until 2016. And she hasn't given enough details to persuade me that her delay was caused by exceptional circumstances.

So I don't have legal power to consider events which happened more than six years before Ms M brought her complaint to us.

This final decision is in relation to later events.

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

I've reviewed the account statements. I see that Ms B used her agreed overdraft and there were times when she went beyond it. Santander sometimes declined to make direct debit and other payments.

I'm satisfied that Santander charged fees in line with the terms of the account.

The effect of a Supreme Court ruling in 2009 is that such charges cannot be challenged on the grounds that they are unfairly high.

Ms B told Santander she was in financial difficulties. But it wasn't obliged to respond by freezing interest or charges.

Santander refunded some charges in 2012 and 2015 and about £300 in 2016.

Overall I'm satisfied that it responded to Ms B's financial difficulties positively and sympathetically.

Ms B's account is still open, but with the bank's collections and recoveries team.

I've checked the figures in the investigator's opinion. I'm satisfied that it's not unfair for Santander to ask Ms B to pay the balance of £298.97.

I don't think it would be fair and reasonable to order Santander to make any further refund to Ms B – or to do any more in response to this complaint.

my final decision

For the reasons I've explained, my final decision is that I don't uphold this complaint. I make no order against Santander UK Plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms B to accept or reject my decision before 27 March 2017.

Christopher Gilbert
ombudsman