

complaint

Mr H complains that Santander UK plc has unfairly applied charges to his account since 2015. He also complains about how it dealt with an appointment he had with it.

background

Mr H says the charges amount to about £990 and have caused him financial difficulties. He says he has gambling problems and has suffered with depression and Santander's actions have made his situation far worse. He also says he made an appointment at a Santander branch but it said it didn't have a record of it. Mr H would like the charges refunded.

Santander says the charges have been correctly applied in line with the account terms and conditions. It says Mr H hadn't previously told it about any financial problems but it's prepared to help him. Santander accepts it made a mistake about the appointment and has offered Mr H £75 compensation. It has also refunded charges and offered Mr H an alternative type of account.

Mr H had brought his complaint to us but our adjudicator thought Santander had dealt fairly with it. He thought the charges had been applied in line with the account terms and conditions and that Mr H hadn't made Santander aware of his financial difficulties until October 2018. The adjudicator thought Santander had acted fairly by refunding charges and by offering a fair and reasonable amount of compensation for the branch visit mistake.

Mr H has asked that an ombudsman review that decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so I've come to the same overall conclusions as the adjudicator for the same reasons. I realise Mr H will be disappointed by my decision.

I've looked at the account terms and conditions, which I think Mr H would've agreed to when the account was opened. And I've not seen any evidence that the charges haven't been correctly applied in line with them. I can see that Mr H has been given a document about our approach to charges and that following a Supreme Court decision those charges can't be challenged on the grounds they are too high and so unfair.

I appreciate Mr H says those charges caused him financial difficulties. And in those circumstances we would expect banks and building societies to treat its customers positively and sympathetically. But I can see that Mr H didn't tell Santander about those difficulties until October 2018. So I wouldn't have expected Santander to be able to help Mr H until he told it about his position. I'm satisfied that since Santander was made aware of the difficulties it's tried to support and help Mr H. I can see it's refunded some of the charges and offered an alternative type of account. I can also see that the adjudicator has provided information on organisations that could help Mr H.

There is no doubt here that Mr H was given an appointment that Santander didn't have a record of. I accept Mr H was caused inconvenience. But I'm satisfied Santander has made what I think is a fair and reasonable offer of £75 compensation. I think that offer fairly reflects the level of its mistake and the inconvenience Mr H was caused.

So for the reasons I've explained I can't fairly order Santander to refund the charges since 2015. I appreciate in the circumstances Mr H may not wish to accept Santander's offer of compensation and so I will leave it to him to decide.

my final decision

My final decision is that Santander UK plc has made a fair and reasonable offer of £75 compensation. Mr H's acceptance of that offer would be in full and final settlement of this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 13 March 2019.

David Singh
ombudsman