

## **complaint**

Mr L complains about bank charges applied to his account by Santander UK Plc from 2009 to 2011. As a vulnerable adult this has caused him financial difficulties. Mr L wants the charges to be refunded.

## **background**

Mr L brought a complaint to this service in September 2013 about historical bank charges. The adjudicator issued an assessment in October 2013 and did not uphold the complaint as the November 2009 Supreme Court ruling said bank charges could not be challenged because they were unfair or too high, the charges were applied in line with the account terms and conditions and the bank had assisted Mr L positively and sympathetically.

Mr L asked for the complaint to be reopened in January 2014 in light of his medical condition.

The bank says it is unwilling to reconsider refunding the charges as it was made aware of Mr L's medical condition in May 2012 and assisted him by refunding charges, cancelling charges that were to debit the account, offered a facility whereby Mr L could repay his overdraft without further interest and charges being applied, provided advice on how to manage his account and information about debt advice and counselling services.

The adjudicator did not recommend that the complaint should be upheld for the reasons set out in her assessment of October 2013. She considered the bank had treated Mr L positively and sympathetically and had assisted him with his financial difficulties.

Mr L disagrees and asks for an ombudsman to reconsider the adjudicator's assessment.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so, I come to the same conclusion as the adjudicator for broadly the same reasons.

Banks are not obliged to refund charges, but are required to treat customers with financial difficulties positively and sympathetically. After the bank was made aware of Mr L's medical condition in May 2012, it refunded, waived and suspended charges to the account. It says Mr L's account is not in a cycle of charges and no charges have been applied in the last twelve months.

I appreciate my decision will come as a disappointment to Mr L, but as explained by the adjudicator in her assessment of October 2013, bank charges can't be challenged on the basis they are too high or unfair. And as the bank has assisted Mr L with his financial difficulties - and the charges applied to the account were in line with terms and conditions - I do not require the bank to do more.

## **my final decision**

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

Naseem Malik  
**ombudsman**