

## **complaint**

Mr H complains that the bank charges Santander UK Plc has applied to his account are disproportionate and unfair. He wants Santander to refund all its charges over the last six years.

## **background**

Mr H is now in financial difficulties and Santander's bank charges are making his situation worse. He is caught in a cycle of charges which means he is always going over the limit of his authorised overdraft.

The bank said it'd applied its charges in line with its terms and conditions and so it didn't agree they were disproportionate and unfair. It accepted Mr H is in a cycle of charges but it referred him to its Financial Support team in September 2016. The team was unable to make contact with him by phone or letter so it closed the referral. It asked him to phone it again if he would like it to make another referral. Mr H told us he didn't think there was any point in talking to the bank.

The adjudicator didn't recommend this complaint should be upheld. He explained that banks and building societies don't have to refund any charges that they apply in line with their terms and conditions. And he thought Santander had responded positively and sympathetically when Mr H told it about his financial difficulties. Mr H didn't agree. He said his debt is increasing every month and he can't see himself getting out of it.

## **my findings**

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

I can see that Santander has applied its bank charges in line with its terms and conditions. So I agree with the adjudicator that, because of a court ruling, those charges can't be challenged on the grounds that they are disproportionate or unfair. This means I can't ask the bank to refund them even though they are causing Mr H problems.

But Santander has a duty to act positively and sympathetically now that Mr H has told it he's in financial difficulties. It tried to refer him to its Financial Support team in September last year but that referral was unsuccessful. It's now offering to do so again. I appreciate Mr H said he didn't think there was anything to be gained by doing this but Santander will need to have the opportunity to talk to him to see if it can help him.

So although I know Mr H will be disappointed with my decision, I think Santander has responded properly to his concerns and I can't fairly ask it to do anything more.

**my final decision**

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 21 April 2017.

Linda Freestone  
**ombudsman**