

## **complaint**

Mr D complains about bank charges that Santander UK PLC has applied over a number of years.

## **background**

Mr D complained to us when he wasn't happy with the way Santander responded to his complaint about bank charges.

Our adjudicator sympathised with Mr D – it's clear he's had some money problems over recent years. And serious health problems have made things difficult for him financially.

But, after investigating Mr D's account history, our adjudicator didn't think Santander had applied any charges or interest incorrectly or unfairly. And it had made some concessions and waived charges previously. So she didn't feel it was appropriate to recommend that Santander should take any further action.

Mr D feels strongly that we've missed one of the longest running issues he's got with Santander. This is that most of the overdraft charges he's run up were due to Santander charges being applied – which took him overdrawn. He also feels our adjudicator has put too much weight on court rulings dealing with bank charges. And she's not looked carefully enough at the way Santander has justified the cycle of perpetual charges.

Mr D has asked for an ombudsman to review his complaint.

## **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 understand Mr D feels it's unfair that Santander's charges are significantly to blame for his financial difficulties. But, after reviewing everything that's happened, I've come to the same conclusions as our adjudicator. Here are the reasons why I say this.

My role is to look at whether Santander has acted fairly and reasonably.

Our adjudicator has explained that it's been decided in court that it generally isn't possible to challenge bank charges as being unfair or too high. And as far as I can see, it appears that charges have been applied to Mr D's account in accordance with the bank's standard terms and conditions. So I can't fairly say that Santander wasn't entitled to apply the fees and charges it did to Mr D's account.

In coming to my final decision, I've also thought carefully about whether those charges were applied fairly and reasonably in Mr D's particular circumstances. I appreciate that Mr D feels our adjudicator has overlooked this aspect of his complaint. And I've taken into account that we expect banks always to treat customers who are in financial difficulty positively and sympathetically.

But this doesn't mean that Santander must cancel all overdraft charges on request. Or that it can't – or shouldn't - continue to charge if the account is overdrawn

In Mr D's case, Santander made allowance for his circumstances when he was ill and Mr D had a drop in his earnings. On that occasion, Santander waived £250 worth of charges. And over the years he's had a significant amount of other charges refunded and cancelled. Santander also gave Mr D contact details of organisations that offer advice and assistance to people in Mr D's circumstances. And it suggested he speak to the bank's own dedicated department which can talk to him about ways to manage his financial situation.

Looked at overall, I agree with our adjudicator that Santander hasn't acted incorrectly and it has treated Mr D fairly and reasonably. Based on the information I've seen, I can't uphold this complaint or require the bank to take any further action in these circumstances.

**my final decision**

For these reasons, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr D to accept or reject my decision before 17 August 2015.

Susan Webb  
**ombudsman**