

## **The complaint**

Mrs M complains that Santander UK Plc unfairly closed her accounts. Mrs M says this has caused her financial problems, upset, and impacted her ability to provide for her family.

## **What happened**

The detailed background of this complaint is well known to both parties. So, I'll only provide a brief overview of some of the key events here.

Mrs M had two accounts with Santander – a current account and savings account. Mrs M has explained that she used the current account to receive payments and pay for everyday living expenses such as buying groceries and paying her bills.

In September 2020, Santander reviewed Mrs M's accounts. Whilst it completed its review Santander blocked Mrs M's accounts. Following this Santander decided to close Mrs M's accounts immediately and wrote to Mrs M to tell her that she'd need to make alternative banking arrangements and issued cheques for her closing balances.

Mrs M complained to Santander about the block and closure of her accounts. She said she hadn't done anything wrong and had used the account properly. So, she couldn't find any reason that would have caused Santander to close her accounts. She explained that she was a member of a well-respected political organisation, which operated above board and legally. She said she suspects Santander closed her accounts due to her philosophical beliefs – which she says she is entitled to hold. She also believes that Santander's actions were instigated by lobbying from other organisations who hold opposing beliefs to her. So, she says Santander has treated her unfairly and discriminated against her when it closed her accounts.

Mrs M says as a result of Santander closing her accounts, she has been left without a bank account, as a number of other accounts, she held had been closed around the same time. Mrs M says that as a result she has not been able to access funds to pay for basic items such as food to provide for her young child, which has made life very difficult.

In response, Santander said it hadn't done anything wrong when it had closed Mrs M's accounts. Santander said that it had closed the accounts in line with the terms, conditions, and relevant regulations. The bank also said Mrs M hadn't made it clear to them at the time that she'd have trouble cashing a cheque for her final balance. Santander also said that it had issued a cheque for Mrs M's closing balance in line with its processes. So, it hadn't done anything wrong.

Unhappy with this response Mrs M brought her complaint to our service where one of our investigators looked into what had happened. After looking at everything, the investigator said that Santander hadn't treated Mrs M unfairly when it closed her accounts. And had done so in line with the terms and conditions of the accounts, and its legal and regulatory obligations. So, they didn't uphold Mrs M's complaint.

Santander agreed with the investigator's view. Mrs M didn't. She maintains that Santander closed her accounts unfairly. She has said that she hasn't broken any laws and wants to know the reasons behind the bank's decision to close her accounts. She says she is perfectly entitled to believe what she wants and that this shouldn't impact her ability to operate a bank account.

As no agreement could be reached the matter has come to me to decide.

### **What I've decided – and why**

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

I appreciate Mrs M was disappointed by the investigator's opinion and I can see that she has provided a detailed response to what the investigator said about her complaint. I'd like to reassure Mrs M that I've considered the whole file and what she's said. But I'll concentrate my comments on what I think is relevant. If I don't mention any specific point, it's not because I failed to take it on board and think about it, but because I don't think I need to comment on it to reach what I think is a fair and reasonable outcome. No discourtesy is intended by me in taking this approach.

I would add too that our rules allow us to receive evidence in confidence. We may treat evidence from financial businesses as confidential for a number of reasons – for example, if it contains information about other customers, security information or commercially sensitive information. It's then for me to decide whether it's fair to rely on evidence that only one party has seen. It's not a one-sided rule; either party to a complaint can submit evidence in confidence if they wish to, and we'll then decide if it's fair to rely on it. Here, the information is sensitive and on balance I don't believe it should be disclosed. But it's also clearly material to the issue of whether Santander has treated Mrs M fairly. So, I'm persuaded I should take it into account when deciding the outcome of the complaint.

Santander has important legal and regulatory obligations it must meet when providing accounts to customers. They can broadly be summarised as a responsibility to protect persons from financial harm, and to prevent and detect financial crime. To comply with its responsibilities Santander will monitor accounts and carry out specific or occasional checks, which is common industry practice, and is what Santander did here.

It's the bank's duty to reasonably ensure accounts are being used in the way they should and to protect the money which is held in them. In order to fulfil these obligations, banks sometimes block an account. The account terms and conditions also permit Santander to block an account. Based on all the evidence I've seen I'm satisfied that Santander were acting in line with these obligations and the account terms when it blocked Mrs M's accounts in September 2020.

Santander isn't obliged to reveal the reason(s) for reviewing Mrs M's account. But I've considered the basis for the review, which I find was legitimate and in line with its legal and regulatory obligations. So, whilst I appreciate Mrs M was caused inconvenience, I can't say Santander have done anything wrong when it blocked and reviewed her accounts. Whilst Santander are entitled to restrict a customer's account, I'd expect them to do so in timely manner. Mrs M's accounts were blocked from 10 – 21 September 2020. Given everything I've seen I can't say there were any undue delays.

I'll next deal with the closure of Mrs M's accounts. Santander has the commercial discretion to close accounts. It's entitled to close an account just as a customer may close an account with it. As long as they reach their decisions fairly, it doesn't breach law or regulations and is

in keeping with the terms and conditions of the account, then this service won't usually intervene. The terms and conditions of Mrs M's accounts, which Santander and Mrs M had to comply with, say that it could close the accounts by giving Mrs M at least two months' notice. In certain circumstances Santander could also close the account immediately, which is what happened here.

On balance when considering Santander's wider regulatory responsibilities and all the information available to me, I find Santander had a legitimate basis for closing Mrs M's accounts immediately and not tell her why. So, I don't find Santander treated Mrs M unfairly when it closed her accounts.

I've considered carefully what Mrs M has said regarding her political and philosophical beliefs. Mrs M says that she is a victim of discrimination by Santander. And she strongly believes Santander closed her accounts on the grounds of her beliefs. While I can appreciate this is her perspective, it is not my role to decide whether discrimination has taken place – only the courts have the power to decide this.

I have, however, considered the relevant law in relation to what Mrs M has said when deciding what I think is the fair and reasonable outcome. Part of this has meant considering the provisions of The Equality Act 2010 (The Act). And after looking at all the evidence, I've not seen anything to suggest that this was the case. So, I haven't found that Santander decided to close the accounts for an improper reason.

While I appreciate how Santander closing her accounts made Mrs M feel and her perspective on why Santander took the actions it has, I have to consider if other customers in similar situations would have been treated the same way. Having looked at all the evidence, I haven't seen anything to show that Santander would have treated another customer with similar circumstances any differently than Mrs M. From looking at all the evidence and circumstances of this complaint I'm satisfied that Santander were complying with their legal and regulatory obligations when it blocked and closed Mrs M's accounts as opposed to her being treated unfairly due to her beliefs.

I understand of course why Mrs M wants to know the exact reasons behind Santander's decision, other than what she's been previously been told. And I can see that Mrs M has asked Santander to explain itself on several occasions. But Santander doesn't disclose to its customers what triggers a review of their accounts. And it's under no obligation to tell Mrs M the reasons behind the account review and closure, as much as she'd like to know. So, I can't say it's done anything wrong by not giving Mrs M this information. And it wouldn't be appropriate for me to require it to do so.

In summary, I realise Mrs M will be disappointed by my decision. But having looked at all the evidence and circumstances of this complaint, I can't conclude that Santander have treated Mrs M unfairly when it blocked and closed her accounts.

### **My final decision**

For the reasons I've explained, my final decision is that I do not uphold this complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 28 February 2024.

### **Ombudsman**