

## **Complaint**

Mr J complains that Bank of Scotland plc trading as Halifax (BOS) didn't do enough to prevent him from excessive gambling on his credit card and bank account.

## **Background**

Mr J has a credit card and current account with BOS and over a two week period he made several transactions to a betting company. Mr J feels that BOS didn't undertake sufficient checks to prevent him from making these transactions at a time when he had been drinking, suffering from stress and had a gambling addiction. Mr J says he contacted BOS to explain his situation but they were unsympathetic to his situation. He was also disappointed BOS didn't send him any text alerts which might have stopped him going ahead with the betting transactions.

BOS says that while Mr J did contact them, this was after the transactions had been made from the account and following this they did block further payments to the betting company. BOS say that Mr J had previously made payments from his credit card and bank account to this betting company and as a result payments to the same business wasn't considered suspicious or give reason to contact Mr J.

Mr J disagreed and would like BOS to compensate him as a result of their failure to protect him.

The matter was referred to this service and the investigator looked at the evidence available but didn't uphold Mr J's complaint. He was satisfied BOS took appropriate action to prevent further payments to the betting company after being informed of his gambling problems. The investigator says Mr J had previously authorised a payment to the betting company following an alert from BOS, so it wasn't likely BOS would think payments to the same business was potentially fraudulent or suspicious.

Mr J was unhappy with this and asked for the matter to be referred to an ombudsman for a final 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 have come to the same outcome as the investigator and I will explain how I have come to my decision.

When considering this case I have looked at whether BOS could have done more before Mr J made the payments to the betting company from his bank and credit card accounts.

Mr J says that the payments were out of character and BOS should have been aware of this and not allowed him to make the payments to the betting company. BOS, like most banks, will have security procedures to alert them of potential fraud and unusual transactions. In this case Mr J had previously made payments to the same betting company and he says he

received a text alert on an earlier occasion from BOS and he authorised the payment as genuine on that occasion.

As a result, I am satisfied that BOS wouldn't have identified the subsequent payments Mr J made to the same betting company as suspicious or potentially fraudulent.

It is worth mentioning from Mr J's bank and credit card statements I have seen, these show his accounts had been operating satisfactorily - so I am satisfied the account operation didn't indicate Mr J had gambling issues or a potential fraud was taking place.

BOS, like all banks, carry out security checks from time to time but it is not their responsibility, or any other bank, to tell customers what to spend their money on and gambling is a legitimate expense.

From the information I have seen, Mr J contacted BOS after his last payment to the betting company and explained he had a gambling problem, at which point BOS took action by stopping further transactions from his credit card and bank account to the betting company, which is what I would expect to see.

Mr J says a text alert from BOS could have prevented him carrying out the transactions but this isn't something that can be demonstrated or evidenced and isn't consistent with Mr J's previous actions when he was alerted by text from BOS, following a payment to the same betting company. It follows, I can only make my decision based on the evidence made available to me.

I am sorry to hear that Mr J is having issues with stress and anxiety and has a gambling addiction and it is good to see that he has taken steps to address this with an appropriate support group.

I know Mr J won't be happy with my decision, but I won't be asking anymore of BOS here.

### **My Final Decision**

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 31 July 2020.

Barry White  
**Ombudsman**