

## **The complaint**

Mr C complains TSB Bank plc treated him unfairly when it considered his application for an overdraft and when it took the decision to close his account.

## **What happened**

Mr C opened a current account with TSB in late 2019. He made an appointment to discuss getting an overdraft and home insurance and was turned down for the overdraft. At the meeting it became obvious that a member of staff had looked at Mr C's account before the appointment as they asked about transactions he'd done.

Mr C wasn't happy that a member of staff had looked at his account without him being present – he believes this is “morally wrong”. He wasn't happy with the way the branch manager behaved either – he says he threatened to close his account after having joined the meeting at which his application was discussed. Mr C says that's not a decision the manager should have been making – the bank should be – and that the manager shouldn't have been threatening to do things like that either.

TSB subsequently decided to close Mr C's account. Mr C – who describes himself as a “vulnerable and disabled adult” – wasn't happy about this either saying that TSB hadn't followed the right process.

TSB looked into Mr C's complaints but didn't uphold them. TSB said that in order to prepare for the appointment about getting an overdraft its staff needed to familiarise themselves with the activity on his account and had done so in line with its policy. So it didn't agree that was wrong. TSB also said that the branch manager had asked Mr C about gambling transactions seen on his account because it wouldn't be responsible to lend to a customer who planned to use the funds to gamble. Again it didn't agree that was wrong. TSB said Mr C's attitude changed when the bank manager did so – it said he became aggressive and threatening. TSB didn't accept that the branch manager had threatened to close Mr C's account, saying that this decision was made later and was as a result of Mr C being aggressive and threatening on several occasions. Mr C complained to us.

One of our investigators looked into Mr C's complaint in detail and, having done so, didn't uphold it. Mr C wanted us to look into what had happened in more depth – including getting CCTV of the meeting at which he talked about his overdraft. He said the CCTV would show that he didn't behave in an aggressive or threatening manner and that it was the branch manager who had done so. He also said that TSB had taken his behaviour into account but not his disability which wasn't fair. He asked for a decision from an ombudsman. So I've looked into this complaint.

## **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.

TSB wrote to Mr C in February 2020 to say that it was going to close his account in 30 days' time. Mr C was able to open a current account with another bank who he's had a relationship with for some time before his TSB account was closed. He hadn't wanted to open an account with that bank in the past as he wanted to keep his personal finances separate from the account he held with them. But a solution has been found to that issue. That's helpful because it means that Mr C didn't end up without a current account – which was a possibility given that a number of banks have closed accounts he's opened recently. I've explained to Mr C the importance of maintaining the relationship he has with this other bank.

I've looked at what happened when Mr C opened his TSB account in late 2019. I'm satisfied that TSB gave him the information I'd expect it to. I'm also satisfied that TSB identified Mr C might be vulnerable and asked him relevant questions. I agree with Mr C that TSB didn't tell him a member of staff might look through the activity on his account if he applied for an overdraft in the future. But I wouldn't expect a bank to explain something as specific and detailed as that unless asked. Nor do I agree that it's "morally wrong" to check a customer's account in advance of a meeting to discuss an overdraft application. Indeed, in this particular case, the check revealed two potential causes of concern – namely that Mr C wasn't paying any income into his account and a number of gambling transactions. I'm satisfied that the member of staff reviewed the account in line with TSB's terms and conditions. I don't think I can say TSB did anything wrong asking Mr C if he planned to use his overdraft to gamble and declining his application. That's because TSB was acting as a responsible lender in doing so. So it wouldn't be appropriate to uphold this complaint on these grounds.

Mr C has told us that the bank manager threatened to close his account after he joined the meeting to discuss his application for an overdraft. He's also told us that the bank manager blocked the exit to the room, and that he found this intimidating. TSB, and its members of staff, have given conflicting information, saying that Mr C has regularly been aggressive and threatening – often when someone says "no" to him. On balance, it's obvious that the relationship between Mr C and TSB has broken down. More importantly, I don't agree TSB failed to take Mr C's vulnerabilities and disabilities into account when it decided to close his account. In the circumstances, I can't say that TSB acted unfairly or unreasonably when it did so. It wouldn't, therefore, be appropriate to uphold this complaint on that ground either.

### **My final decision**

My final decision is that I'm not upholding this complaint as TSB Bank plc hasn't acted unfairly or unreasonably.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 8 May 2020.

Nicolas Atkinson  
**Ombudsman**