

The complaint

Mr M complains that although he told Barclays Bank UK PLC about his gambling addiction in early 2021, they did nothing to help him control his gambling. Mr M would like Barclays to refund his gambling transactions because, he says, if Barclays had helped him there wouldn't have been any.

What happened

Throughout March and April 2021 Mr M spent almost £9,000 on betting and lottery transactions from his Barclays current account. He says he made Barclays aware as early as March 2021 that he wasn't in a position to make financial decisions and thought his account would be "*monitored*" by them.

In May 2021 Mr M complained to Barclays that they'd let him gamble. He said he'd asked for a block on his card around February or March 2021. Barclays then placed a block on his debit card; preventing most online gambling transactions. Barclays' complaint handler accepted Mr M's version of events and offered Mr M £100 for the block not being put in place when first requested.

Mr M initially accepted this outcome but complained again in July 2021 that Barclays' refusal to refund the transactions wasn't good enough.

In July and August 2021 Barclays wrote to Mr M. They refused to refund his gambling transactions and said they thought they'd offered him appropriate support throughout. They agreed they'd spoken with him about his gambling, but said he'd declined their offers of support and, in those circumstances, they were unable to prevent him from using the funds in his account for gambling. Although they found no bank error, they offered him another £100 to resolve things.

Mr M told us he thinks Barclays told him that they'd keep an eye on his account from March 2021. He said he'd "*begged*" them to block gambling transactions at that point, but they let him carry on.

Our investigator's view

Our investigator didn't uphold Mr M's complaint. She agreed with Barclays that they'd done nothing wrong by not applying a gambling block on Mr M's card before 3 May 2021.

She said the evidence indicated Barclays had taken Mr M's health and financial situation seriously and had tried to discuss Mr M's gambling with him several times. But on each occasion, he'd declined any help. She was satisfied that Barclays had done enough to make Mr M aware he could contact them if he ever did want to seek help for his gambling.

The investigator acknowledged that Mr M had thought Barclays would "*monitor*" his account and step in if he was getting into difficulty; but she didn't agree that was something Barclays should have done.

Mr M didn't accept this outcome. He said Barclays had told him they'd manage his account and so should have offered to put a block on his card when they saw his gambling transactions.

As no agreement could be reached the complaint 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.

Having done so, although I understand that Mr M will be disappointed, I've reached the same outcome as our investigator and for broadly the same reasons. I think Barclays did acknowledge and ask Mr M about his gambling transactions on a number of occasions in early 2021, but on each occasion Mr M declined to engage with Barclays about this. In short, I've seen no evidence to suggest Barclays should have done more to help Mr M before 3 May 2021; I don't think Mr M was ready to accept help with his gambling before that date.

Mr M had a history of gambling and I can see that at a couple of points in 2020 Barclays offered him contacts for agencies that offer gambling addiction support, but he'd declined.

Towards the end of 2020 and into the start of 2021 Mr M made lots of gambling transactions from his Barclays account. But when he contacted Barclays in January 2021 it wasn't to discuss gambling, but to dispute a direct debit to a telecoms company. When the telecoms company successfully defended the dispute, and the temporary credit Barclays had given him was reversed, Mr M contacted Barclays to say that the reversal had left him in financial difficulties.

I've listened to a call between Mr M and Barclays' customer support team which took place on 28 January 2021 – during that conversation Barclays staff gave Mr M advice regarding accessing food and dealing with his utility bills. The agent also asked Mr M about his gambling transactions and said that if he needed support with this there were a few things the agent could suggest. But Mr M replied that he'd already sought help and had now stopped gambling.

As for Barclays advising Mr M that they'd be 'monitoring his account' from this point, I can't agree with Mr M that that's what was said. I think the agent told him that they'd add markers to his account so that staff would know when he called that he had financial difficulties and health issues, and that he was shielding due to the pandemic. I don't think there was any indication that they'd be watching out for gambling transactions or blocking them. Indeed, Mr M had just told them he didn't need any help with that.

There was little activity on Mr M's account after that call, but on 23 March 2021 Barclays called Mr M to talk about his unauthorised overdraft (his account had been overdrawn by around £80 since the end of January 2021). When Mr M told Barclays he'd recently been acutely unwell and was also seeing a mental health team, he was passed to their Specialist Support Team.

I've listened to the call which took place between Mr M and Barclays on 23 March 2021. The Specialist Support Team agent spent some time talking with Mr M about his situation and refunded some account fees to bring the account within his £10 overdraft buffer. During the call the agent asked Mr M about his gambling transactions, but Mr M said he'd stopped all betting now and had cancelled his account with a bookmaker.

Again, I don't agree that Barclays said they'd be monitoring Mr M's account for gambling

transactions going forwards. The agent only said that his account would be under the Specialist Support Team (given Mr M's recent health problems) and gave him a direct dial number to use if he was struggling again.

Mr M went on to make a significant number of gambling transactions from his Barclays account between 25 March and 23 April 2021, totalling around £9,000. Given the low balance of his Barclays account, he regularly moved money in from elsewhere to fund the gambling; so, the account didn't go overdrawn again until the end of April.

I've thought carefully about whether, during this period of gambling activity, Barclays should have done more to help Mr M, and I've listened to a further call between Mr M and Barclays from 18 April 2021.

This call arose because Mr M wanted to dispute a payment to a retailer for £285. Mr M was disappointed that the agent couldn't approve an immediate refund of the disputed transaction, and during the conversation about what would happen next to investigate the alleged fraud, the agent asked Mr M about his gambling transactions – noting that there were a lot. Mr M said he was happy with these, and that he had funds in another account. When the agent asked if he was "*safe*" and had those payments "*under control*", he said he was "*fine*". Significantly, Mr M didn't say anything during this call to suggest he was unhappy he'd been allowed to gamble since March, or that he thought Barclays had previously agreed to apply a block.

Overall, I think Barclays asked Mr M if he needed help several times, but Mr M denied any problem. In the circumstances, I don't think there was any indication that Mr M lacked capacity to make his own decisions about how he spent his funds; and I don't think it would have been reasonable of Barclays to infer a lack of capacity on the basis that Mr M told them he had some mental health issues. I also can't say that Barclays either promised to block his gambling transactions from March 2021, or that they should have done things differently before May 2021.

I know this isn't the outcome Mr M hoped for, and I'm sorry for that. I recognise that Mr M has lost a substantial sum of money and that loss has caused him significant distress. And I am sorry to hear that he suffers with such a harmful compulsion to gamble. But I'm unable to say that Barclays are responsible for his losses on this occasion, or that they should do more to resolve this complaint.

My final decision

My final decision is that I don't uphold Mr M's complaint against Barclays Bank UK PLC.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 24 February 2022.

Beth Wilcox
Ombudsman