

## **The complaint**

Mr D and Miss R complain Nationwide Building Society failed to offer support to address Miss R's mental wellbeing and gambling addiction. He said they didn't block her debit card as they said they would.

## **What happened**

Mr D said his partner while struggling with her mental health had become addicted to gambling. This has caused financial difficulty and meant he hadn't the money to pay their day to day living costs. In November 2021, Mr D spoke to Nationwide and asked for help – he wanted his partners debit card blocked so that she couldn't make any further gambling transactions. And he understood a block had been placed on her debit card. So, on her discharge from hospital he gave the debit card back to her so she could shop for food. Mr D said he found a block hadn't been placed on her debit card and she'd used it to make further gambling transactions. He complained to Nationwide.

Nationwide said they'd been clear in that they needed Miss R's authority to put a block on her debit card. They'd looked to refer Mr D and Miss R to their Specialist Support Team. But Miss R didn't want her debit card to be blocked. They said they'd suggested Mr D move to a sole account, but he hadn't agreed to this.

Mr D and Miss R weren't happy with Nationwide's response and referred their complaint to us.

Our investigator said Nationwide had acted fairly and reasonably in trying to help in the situation. He was satisfied Nationwide took appropriate action to prevent further payments to the betting company after being informed of the gambling addiction. And they'd been clear that they needed Miss R's permission to put a block on her debit card.

Mr D and Miss R didn't agree. Mr D said Nationwide should have done more as he'd told them about Miss R's mental health issues, alongside her gambling addiction. They asked for an ombudsman 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 I'm not upholding this complaint. I'll explain why.

This must be a very distressing time for Mr D and Miss R and they have been open about the difficulties they are going through. Mr D said that he'd been in touch with GamCare to help restrict Miss R's gambling, but she'd still been able to make these transactions. I understand he's complained to the gambling companies about this. And had confirmed that

preventions should have been in place to help Miss R's gambling addiction. In reaching my decision I won't comment on the outcome of these complaints. But whether Nationwide has acted fairly and reasonably in their actions with Mr D and Miss R when Mr D sought their help.

I can see from the bank statements. Mr D and Miss R have sent to us that there was regular gambling activity. So, it wasn't likely Nationwide would think payments to the same business was potentially fraudulent or suspicious. When considering this complaint I've looked at whether Nationwide could have done more before Miss R made the payments to the gambling company from her debit card after they'd been made aware of her gambling addiction.

In November 2021 Mr D told Nationwide about Miss R's mental health and gambling addiction. And in these circumstances, I'd look to see:

- Did the business refer the consumer to a specialist support team?
- Did the business refer the consumer to external support organisations like GamCare?
- Did the business offer or agree to put any blocks in place on certain types of transactions?

I would also look at how Mr D and Miss R responded to the support offered by the business and whether despite this, they continued to gamble or spend compulsively anyway.

Gambling isn't an illegal activity and a consumer can use their own money for certain types of transactions. Mr D and Miss R had a joint FlexBasic account with Nationwide. The terms and conditions say:

*"all funds in the account belong jointly to the account holders so each of you is entitled to withdraw all of the money in the account, obtain any information about the account or give us any other instruction in respect of the account..... this means that any one of you may withdraw all the money in the account unless one or both of you ask us to stop this from happening"*

When Mr D asked for help I can see Nationwide said they could block online transactions, but the debit cards could still be used for contactless and chip and pin transactions. But Mr D said he needed the online facility for day to day living transactions and only wanted the gambling transactions blocked. Nationwide asked Mr D about GamCare, who offer information, advice and support for anyone affected by gambling harms. Mr D was already aware, but this hadn't stopped Miss R making gambling transactions.

Nationwide suggested referring Mr D and Miss R to their Specialist Support Team who might be able to help further. But they needed the authority of Miss R to do this. Mr D expressed his interest as he wanted to get gambling payments blocked. But at this time Miss R was in hospital so the referral was put back pending her discharge. While its clear what action Mr D wanted Nationwide to take, and Nationwide explained what they could do – block on line transactions - I think it was clear the on-line transactions hadn't been blocked as Mr D needed this option for food shopping. And that Nationwide needed Miss R's permission for their Specialist Support Team to be involved. Mr D accepted that while Miss R was in hospital she didn't have access to the account so any further action would happen after she was discharged.

After Nationwide were made aware of Miss R's mental health issues, they asked Miss R for her permission to be referred to their Specialist Support Team, which has the mandate to assist Miss R in a way that Mr D required. But Miss R hasn't given her consent to Nationwide to be referred to their Specialist Support Team. And she didn't want to put a block on her debit card. As the debit card remained in her possession, she was able to continue making transactions despite being referred to GamCare. I think it's likely that had Miss R consented to be referred to Nationwide's Specialist Support Team there would have been a greater opportunity for Nationwide and Miss R to communicate with each other regarding her account management, mainly because many of her transactions could have been blocked.

So, I can't say Nationwide acted unfairly or unreasonably as the option to block online transactions, which would have prevented the gambling transactions wasn't accepted by Mr D, and Miss R didn't consent to the Specialist Support Team becoming involved.

I know my decision will disappoint Mr D and Miss R and I hope Miss R is doing better now with the help of organisations like Gamcare and the support they offer for consumers who find themselves in difficult situations related to gambling.

### **My final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D and Miss R to accept or reject my decision before 2 September 2022.

Anne Scarr  
**Ombudsman**