

## **The complaint**

Mr E complains that Metro Bank PLC delayed removing restrictions on his account and failed to keep him updated on its actions.

## **What happened**

In August 2017 a court order was made under the Proceeds of Crime Act 2002 restricting Mr E's ability to deal with his assets. Those assets included an account held with Metro Bank. The bank was sent a copy of the order and placed a restriction on Mr E's account.

In March 2020 the Crown Prosecution Service advised the court that proceedings against Mr E would not be started within a reasonable time and invited the court to discharge the restraint order. The court made an order to that effect.

It appears that a number of institutions holding Mr E's assets were sent a copy of or were otherwise told about the discharge order. They released any restrictions. Metro Bank, however, says it was not told that the restraint order had been discharged, and Mr E was not aware that it had not been.

In November 2021 Mr E contacted Metro Bank to ask about making some transactions and to change some of his personal details. He was told that the account was restricted. Metro Bank said it could not accept a copy of the discharge order from him and that he would need to contact his solicitor.

Metro Bank accepted that it had not handled Mr E's enquiry as well as it might have done and offered him £100 in recognition of that.

Mr E did not accept the bank's offer and referred the matter to this service, where two of our investigators considered what had happened. Following their involvement, Metro Bank agreed to increase its offer of compensation to £400 in total. That offer was made after Mr E had indicated that was the minimum he would accept. Mr E asked however that an ombudsman review the case and indicate what they thought would be acceptable.

In the meantime, the bank received a copy of the discharge order and lifted the restriction on the account.

## **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 that Mr E would like me to indicate the level of compensation that I think is appropriate here. He may however be disappointed because, in deciding what I consider to be fair and reasonable, I must take into account all the relevant circumstances. Those circumstances include any offer that a financial business has made and which is still open for acceptance. So, before making my own assessment of what, if any, compensation is

appropriate, I must first consider whether the £400 on offer is as much or more than I would award. In my view it is.

I shall deal first of all with the question whether Metro Bank received the discharge order in or around March 2020. Mr E says he was told by the court that any institution that received a copy of the restraint order in 2017 would have been sent a copy of the order discharging it. That of course included Metro Bank. I accept that Mr E was told that, although there does not appear to be any evidence supporting what the court told him.

It follows therefore either that the court did not send the order to Metro Bank, or that it did send it but that Metro Bank did not act on it. I think the second explanation is more likely. There seems to be no reason why the court would have sent the order to all the relevant institutions except one.

When Mr E contacted the bank and found out that his account was restricted, I agree that it could have handled things better than it did. It did not return calls as promised and Mr E did not receive an email he had been told had been sent. I do not however think it was unreasonable of the bank to refer Mr E back to his solicitor for advice. When the bank received a copy of the order in February 2022, it lifted the account restriction promptly.

### **Putting things right**

Taking all of this into account, I think that Metro Bank's offer of £400 is reasonable. That is, I think it unlikely that, had that offer not been made, I would have awarded more. I will however make a formal award in that amount, so that Mr E can enforce it, should he need to do so.

### **My final decision**

For these reasons my final decision is that, to resolve Mr E's complaint in full, Metro Bank PLC should pay him £400.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E to accept or reject my decision before 4 November 2022.

Mike Ingram

**Ombudsman**