

The complaint

Mr and Mrs B held various accounts with The Royal Bank of Scotland Plc (“RBS”), in various capacities. They had joint accounts, sole credit card accounts and a business account, held by a limited company controlled by Mr B, which I’ll call “F”. This complaint arises from Mr B’s attempts to give instructions on, and close, the accounts.

Given the different capacities involved here I must treat this complaint as four separate complaints. But, as the issues are intrinsically linked, my decision on each will be materially the same. I will also, for practical reasons, simply divide the redress between the four complaints. This complaint involves Mrs B’s sole accounts. However, as Mr B is bringing the complaint on behalf of Mrs B, I will mostly refer to him.

What happened

I issued a provisional decision in which I said:

“Mr B has provided detailed submissions, including a full timeline of events. RBS has had sight of Mr B’s timeline and hasn’t disputed its accuracy. And I find his timeline to be accurate based on the evidence available to me. I’m therefore satisfied the details of this complaint are well known to both parties and so won’t repeat them here. Instead, I will focus on the reasons for my decision.

What I’ve provisionally 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.

There is a great deal of correspondence on this complaint. I can assure Mr B (and RBS) I have read the full file, including Mr B’s 71-page bundle and his 31 complaint points. I will, however, not be responding to each point raised. Instead, I will focus on what I consider necessary to reach a fair outcome.

As set out above, Mr and Mrs B had (or controlled) several accounts with RBS. In March 2019 Mr B asked RBS to make some changes to the accounts, including some closures. Mr B later asked for all the accounts to be closed. None of this went well and not all the accounts were closed until late 2021. RBS didn’t deal with matters as it should have. For example: It didn’t always act on Mr B’s instructions fully and accurately; It lost and/or didn’t respond to some correspondence; It gave incorrect information, such as saying accounts had been closed when they hadn’t; Branch visits didn’t achieve what they should have. I can understand why Mr B feels as frustrated as he does. And I note to date a query he raised about his personal data in August 2019 still hasn’t been addressed.

However, I must be objective and fair to both parties. I’m not persuaded Mr B’s approach has always been helpful. The contact between the parties was predominantly by letter, and on the part of Mr B often complaint focused rather than solution focused. This has led to delays and complications. I find it likely much of

what transpired could have been avoided through phone calls which Mr B wasn't open to on the basis he was told RBS wouldn't allow him to record the calls. I also find it likely the accounts would have closed sooner had Mr B been more cooperative. In July 2020, RBS apologised for not acting on his instruction and asked for a further written instruction. Rather than provide one, Mr B pointed out he's already provided an instruction. In August 2020, when asked to attend a branch to update signature mandates, Mr B declined to do so. The accounts were eventually closed following Mr B attending a branch in September 2021.

RBS was the professional party here. And it did do things wrong. Compensation is therefore appropriate. Mr B seeks £50,000 compensation based on time spent and his professional hourly rate. I consider such a sum inappropriate, and in any case, as a representative, I can't award him compensation on this complaint. Ultimately there was little detriment for Mrs B here. She wasn't, for example, prevented from doing something she wanted to, or caused a financial loss. Instead, Mrs B was caused some distress and inconvenience. And I find £100 - one fourth of the £400 compensation RBS has agreed to pay Mr and Mrs B across the four complaints - fairly and reasonably recognises the impact RBS's action (or lack of action) - had on her.

My provisional decision

I intend to uphold this complaint and require The Royal Bank of Scotland Plc to:

- pay Mrs B £100 compensation; and
- consider and respond to Mrs B's personal data query."

RBS didn't provide any more comments or evidence for me to consider. Mr B disagreed with my provisional decision and set out his dissatisfaction. In summary, he considers my provisional decision factually incorrect, biased and insulting.

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, and having taken on board Mr B's comments, I haven't changed my mind. I accept Mr B disagrees with how I've approached this complaint and with some of the reasoning I've given. But my role requires me to take account of what both parties have said and provided, and form my own, independent view of things. And that view remains as set out in my provisional decision. I'm sorry to hear Mr B thinks I have insulted him. That wasn't my intention, and it still isn't.

My final decision

I uphold this complaint and require The Royal Bank of Scotland Plc to:

- pay Mrs B £100 compensation; and
- consider and respond to Mrs B's personal data query.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 15 November 2022.

James Langford
Ombudsman