

The complaint

Mr M complains that TSB Bank plc did not stop text alerts when he asked them to, and they have provided him with poor customer service.

What happened

Mr M has a bank account with TSB which was set up to receive text alerts. Mr M contacted TSB to ask them to stop these text alerts. He says he's asked TSB at least on 20 occasions to stop the text alerts over the phone, in branch and via the online application (app) and he's been told they have removed the service, only for him to receive texts regarding his balance, which is distressing for him. Mr M made a complaint to TSB.

TSB said a review of Mr M's account confirms that in late March, he asked for an incorrect number to be removed and it appeared they failed to act upon this as it was an administration error on their part. They said he had now opted out of receiving any text alerts, which meant no messages will be sent to any number regarding the account balance. They credited Mr M £25 to his account as an apology for what happened. Mr M brought his complaint to our service as he still kept receiving text messages about his balance. He also said he had asked for a Subject Access Request (SAR), but he hadn't received this yet.

Our investigator upheld Mr M's complaint. She said although TSB confirmed they'd turned off his text alerts, Mr M is still receiving texts. She said from the online chats, it's also clear this situation was extremely frustrating for Mr M and that he was vulnerable as he mentioned his health issues to TSB. Our investigator said she didn't think TSB treated this matter with any urgency which added to Mr M's stress. She concluded that TSB should pay Mr M an additional £225 compensation. TSB did not agree to our investigators view of the complaint, so the complaint was referred to me to make a final decision.

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.

Mr M has made a number of points to this service and I've considered and read everything he's said and sent us. But, in line with this service's role as a quick and informal body I'll be focusing on the crux of his complaint in deciding what's fair and reasonable here.

TSB systems show that they received Mr M's SAR on 2 August 2022. There's no notes showing on the system prior to this date that he requested the SAR. That's not to say that Mr M didn't raise this prior to this date – as I have heard him mention this on the call on 29 July 2022, it just shows that this is the date they received Mr M's SAR. TSB system notes show that they issued the SAR on 22 August 2022 so Mr M should have received this information.

I've considered what happened regarding the text alerts. It's clear that Mr M asked TSB to turn these off on several occasions. I asked TSB to contact their technical team to find out why the alerts were being turned back on despite the instruction to turn these off. The technical team have admitted that there was a technical issue which caused this. And this

does not appear to be restricted to Mr M's account. They have confirmed that a permanent fix for this issue was implemented on 7 September 2022.

Mr M may have received texts after this date, because the system was showing the text alerts as active (due to the system issues), but TSB have confirmed to me they have now cancelled the alerts and they have confirmed to me that *"the text alert will not re-enable again."* So because of the permanent fix, I'm confident that this issue should not happen again for Mr M. While he will have been told several times by TSB that it won't happen again, this was before the permanent fix was in place.

I know Mr M was concerned that an individual may have been turning these alerts back on after he has turned them off, and a call handler told him the system couldn't turn the alerts on, which lead Mr M to feel someone is vindictively winding him up and is doing this on purpose, but the evidence I've seen supports this was a system technical issue – and the issue not restricted to Mr M, which should now be resolved.

But this doesn't take away from the impact this issue had on Mr M. I have read the chat messages that he has had with TSB. I've also listened to two calls that he's had with TSB call handlers. And it's clear the significant impact that this issue has had on Mr M.

I've read and listened to what Mr M has said about his health issues. And he has also made TSB aware of these issues. So they were aware of the impact that this issue had on Mr M. And although they offered to Mr M to update his profile with his health conditions, I'm not persuaded they have recognised the impact this issue had on him.

I say this as Mr M raised this issue in March 2022, and while TSB wrote to him on 12 April 2022 stating *"you have now opted out of receiving any text alerts. This means no messages will be sent to any number regarding the account balance."* But the text alerts were switched on. Mr M was significantly inconvenienced by having to get in contact with TSB over different channels such as the branch and the chat to try and get this resolved. And while at times he was told this service was turned off, it appears that nobody took ownership to escalate the issue, despite the numerous requests from Mr M to stop the alerts.

TSB have provided me evidence of the text alert service being turned off. This shows that between 22 March-29 July 2022 that the text alert service had been cancelled 11 times. So this would indicate that Mr M was in touch with TSB multiple times for this to be cancelled. It's clear from the chat messages and the phone calls that I've seen/listened to that Mr M has been able to demonstrate the distress this issue has had on him. So for him to keep being inconvenienced to have to contact TSB when he receives further texts would only add to the distress he suffered from here.

I've considered the compensation that has been paid. TSB paid Mr M £25 in April. But the issue was not resolved here. The text alert was turned off a further ten times after the date of the April final response letter to 29 July. Mr M spent a lot of time having to keep informing TSB that the text alerts were still on which would have been a significant inconvenience to anybody, regardless of their health conditions. And he was caused a lot of distress when he kept receiving another text message after he was told the service had been switched off.

So I'm not persuaded that the impact that the system error had on Mr M has been recognised. From when this was first reported, it took nearly six months for a permanent fix to be in place. And no one appears to have communicated to Mr M that this was a system issue and it was being looked into. This resulted in him spending several months to try and rectify the issue.

It may be that the staff were not aware this was a system issue, but if someone had took

ownership, or managed to escalate this to the technical team, then I'm persuaded the technical team would have been able to confirm – just like they did to me – that this was an issue and while the fix may not have been in place until September, it may have given Mr M some peace of mind that nobody was intentionally turning on the text alerts after he had asked for them to be turned off.

Our investigator suggested that TSB pay Mr M an extra £225 compensation for what happened. I'm satisfied that this is fair. I say this because Mr M was inconvenienced multiple times over a period of a number of months. The distress this was causing him was clear from the chat messages alone, not to mention him detailing the impact this had on him in the phone calls I've listened to. And Mr M has mentioned his numerous branch visits. While there are no notes on the system of these visits – as branch staff would not need to leave a note on the system with each interaction, I've no reason to doubt what Mr M has said here. He has detailed multiple chats with the branch manager, and he relayed this information to the chat and phone agents. So I'm satisfied that he has visited the branch about this issue multiple times. So it follows I'll be asking TSB to put things right.

Putting things right

Our investigator has suggested that TSB pays Mr M an extra £225 compensation to total £250 compensation which I think is reasonable in the circumstances.

My final decision

I uphold this complaint. TSB Bank plc should pay Mr M an additional £225 for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 13 February 2023.

Gregory Sloanes
Ombudsman