

The complaint

Mr S complains that Nationwide Building Society ("Nationwide") failed to act on his request to limit the use of his debit card to ATM withdrawals which resulted in him being able to spend all his available funds on gambling sites.

What happened

Mr S has a problem with gambling and Nationwide became aware of this on 19 May when he contacted it about debit card payment's he'd made to an online gambling site. Although he had self-excluded from the site, he was able to still gamble by inputting an incorrect name on the gambling site. During the call Nationwide's agent incorrectly advised Mr S that all gambling payments would be stopped – which is something that Nationwide wasn't able to do. As a result Mr S was able to still gamble and raised a complaint regarding this on 25 May.

Nationwide's complaint handler called Mr S on 2 June and confirmed it was upholding Mr S's complaint and refunded all gambling payments made from 19 May and compensated Mr S £75. The complaint handler explained Nationwide could block all *online* transactions but if Mr S wanted to do that he'd need to speak to the Specialist Support Team (SST) and transferred Mr S to this team and provided him with the SST's direct contact number in case Mr S was cut off. Mr S was on hold for 10 minutes and the call was dropped so Mr S was unable to speak to the SST and because Mr S didn't call back the online block wasn't actioned.

Following this Nationwide sent out an email confirming that Mr S would need to get in touch with its SST to get the online block actioned and provided the number to call.

Mr S got in touch with Nationwide through webchat on 28 June and complained that he could still use his card to gamble online. Nationwide's complaints handler called Mr S on 6 July and advised as he hadn't been in contact with its SST Nationwide wouldn't refund the gambling payments made after 2 June but compensated Mr S a further £25 for failing to call him back. The complaints handler then attempted to get Mr S to stay on the call to speak to the SST straight away to get the online block placed on Mr S's account - but Mr S requested a referral instead. Nationwide subsequently applied the online payment block on 6 July on Mr S's behalf.

Mr S then contacted Nationwide again on 8 and 10 July complaining that the blocks were insufficient and he'd been able to make a further gambling transaction by making a transfer to a gambling site. Nationwide agreed it hadn't done enough to support Mr S and could've offered to block Mr S's internet banking on the call and better explained how the online block worked. Nationwide put a further block on all internet banking on 21 July and reimbursed Mr S for all payments made to gambling sites from 7 July to 21 July (minus his winnings) and compensated Mr S a further £100.

Nationwide's SST tried to contact Mr S on numerous occasions between 10 July and 10 August leaving voicemails and sending a letter asking him to get in touch to discuss the gambling blocks. Following this Mr S got in touch with the SST and complained that he'd

been able to make gambling payments by using a third party digital token. Nationwide wouldn't refund these payments as if Mr S had responded to its attempts to interact and support him it would've been able to explain that these payments weren't classed as online payments and which blocks would be suitable.

But Nationwide agreed it could've handled the call better and awarded a further £25 compensation and actioned Mr S's request to remove all active digital tokens on his account.

Mr S was dissatisfied with this and brought his complaint to this service. He says the stress of being able to still spend all his wages on gambling was horrific and had such a negative impact on his mental health he's had to leave his job.

Our investigator looked at all of this and agreed that Nationwide had made some errors but thought that the gambling transactions it had already refunded and compensation paid was fair and didn't think Nationwide needed to do anything more. They thought Nationwide had tried to engage and interact with Mr S to offer support but that as he hadn't responded there was nothing more Nationwide could've done.

Mr S disagrees and has asked for an ombudsman's 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.

My role is to look at problems that a consumer has experienced and see if the business has done anything wrong or treated them unfairly. If it has, we seek to put the consumer back in the position they would've been in if the mistakes hadn't happened. And we may award compensation that we think is fair and reasonable.

Nationwide has already agreed that it provided Mr S with incorrect information and have refunded all gambling transactions for the period 19 May to 2 June where Mr S was under the impression that all gambling transactions would be blocked and compensated him £75.

And Nationwide also agreed that it could've explained better how the online blocks worked and offered to block Mr S's internet transactions during his call with it on 8 July and have refunded all payments made to gambling sites (minus winnings) from 7 to 21 July and compensated him a further £100.

I agree that in both the above instances Nationwide provided incorrect advice and it could've provided better advice and support to Mr S. But as Nationwide has already refunded him for the gambling transactions made as a result of the advice or lack thereof received – and put him back in the position he'd been in if the mistakes hadn't happened and awarded compensation in-line with what I'd recommend – I don't think there is anything more Nationwide needs to do here.

So the only thing I consider left to decide is whether Nationwide should also refund the gambling transactions Mr S made using his digital token and for not blocking all debit card transactions except ATM withdrawals.

And having considered everything I don't think it would be fair or reasonable to ask Nationwide to do this. I say this as I've seen no evidence that Mr S ever asked Nationwide block his debit card for all but ATM withdrawals and although I accept Mr S believes being able to use a digital token to make payments is an online transaction – this isn't the case. So as Nationwide was never asked to block all debit card transactions and wasn't able to block

payments made through a digital token - as this wasn't considered an online payment - I can't say it made a mistake here.

Furthermore, although I would expect a business to offer support and help to customers such as Mr S where it is aware of gambling issues, I wouldn't expect it to apply blocks where it doesn't have their permission or instruction to do so. I'd also expect the customer to assist the business in its support offering and enable it to take appropriate action. And in Mr S's case I don't think he did enough to facilitate this.

I say this as I can see that Nationwide was proactive in trying to get Mr S to get in touch with its SST on numerous occasions regarding his gambling and the application of the gambling block and tools it had available to assist him, but Mr S only responded *after* he'd gambled following him finding ways to circumvent the gambling blocks already in place and at which point he'd raise a complaint.

If Mr S had responded earlier Nationwide would've been given the opportunity for its specialist team to understand where he needed support and provide him with the most appropriate tools and advice to support him with his gambling. In any case nothing is fool proof and given Mr S's gambling history, I think whatever blocks Nationwide applied, Mr S would've likely still found a way to gamble. So, I don't think it would be fair to penalise Nationwide where I think it made reasonable efforts to help Mr S and where I can't see what more it could've done in the circumstances.

I sympathise with Mr S, there is no doubt he struggles with his gambling and I do hope he manages to get the help and support he needs and his situation improves. But although I think Nationwide made some mistakes, I think it has compensated Mr S for this where it should have. And as I think Mr S could've also been more proactive in seeking help and as Nationwide has now removed Mr S's digital tokens and utilised all the appropriate gambling tools it has available, I don't think there is anything more it needs to do.

My final decision

For the reasons I've explained I've decided what Nationwide Building Society has already done for Mr S is a fair and reasonable way to settle his complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 19 March 2024.

Caroline Davies
Ombudsman