

## **The complaint**

Mr K complains that The Royal Bank of Scotland Plc (RBS) was irresponsible in its lending to him.

## **What happened**

Mr K says that RBS provided him with several credit cards without carrying out adequate affordability checks. He says he wasn't employed at the time and had health issues and so the credit cards shouldn't have been provided. He said the lending made his situation worse and caused him a lot of stress.

RBS issued a final response letter dated 18 September 2023. It noted Mr K's complaint that it had provided him with several credit cards without properly assessing the affordability. RBS said that while it was able to locate several customer profiles for Mr K these didn't show any details of credit cards. It said this could be due to the credit cards being closed a significant period ago. It asked Mr K for further information to support its investigation but Mr K said he had no further details. That said, it noted that any application would have been subject to its credit risk policy at the time and would have needed to meet its affordability guidelines. RBS said it didn't have any evidence to support Mr K's claim that it had lent to him irresponsibly.

Mr K referred his complaint to this service. Our investigator didn't uphold this complaint. He noted the time that had passed since Mr K opened his RBS accounts and the limited information available and said that based on this, he didn't have evidence to say that RBS had acted unfairly towards Mr K.

Mr K didn't accept our investigator's view and requested his complaint be referred to an ombudsman.

## **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.

Our approach to considering complaints about unaffordable and irresponsible lending is set out on our website. I've had this approach in mind when considering what's fair and reasonable in the circumstances of this complaint.

In summary, before providing credit, lenders need to complete reasonable and proportionate affordability checks. There isn't a set list of checks a lender is required to carry out, it just needs to ensure the checks are proportionate when considering things like: the type and amount of credit being provided, the size of the regular repayments, the total cost of the credit and the consumer's circumstances.

Mr K has said he was provided with several credit cards by RBS. RBS has been able to locate details of four credit cards. However, given the cards were provided before 2004, RBS hasn't been able to provide any evidence of the checks it carried out before the credit was

provided. I appreciate this is frustrating for Mr K but banks are only required to hold data for six years, so it's not unreasonable for RBS to not have this information on Mr K's accounts.

As I cannot say whether or not proportionate checks were undertaken before the lending was provided, it is reasonable for me to consider what information would have been identified had proportionate checks been carried out. Mr K has been asked to provide copies of his bank statements for the months leading up to the credit cards being provided along with other information regarding the accounts. Understandably given the time that has passed, he hasn't been able to provide this information. But without evidence to show that had adequate checks been undertaken at the time of the lending these would have shown it to have been irresponsible, I do not find I have the evidence needed to uphold this complaint.

I appreciate this will be a disappointment for Mr K but based on the evidence available I do not find I can say that RBS did anything wrong and so I do not uphold this complaint.

### **My final decision**

My final decision is that I do not have enough evidence to uphold this complaint.

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

Jane Archer  
**Ombudsman**