

## **The complaint**

Miss M complains that National Westminster Bank Plc called her from a withheld number without warning despite the fact that she was vulnerable. This caused her distress and she had to have her number changed

## **What happened**

In September 2023, on a Saturday, Miss M was called by NatWest from a withheld number. The adviser said that she was calling from a local branch about the help it could provide in respect of the cost of living crisis. The call did not proceed any further.

Miss M contacted NatWest to raise a complaint. She explained that she was a victim of domestic abuse and was very upset to receive a call from a withheld number on a Saturday which she thought might be a fraud. She said she was seeking compensation of £200 for her distress and inconvenience.

NatWest apologised, and said that its adviser had followed the correct process, and that Miss M's name had been removed from its contact lists. It said that she hadn't told it previously of her vulnerability, but it had now noted this.

Miss M said that NatWest would have been aware of her vulnerability following its dealing with a fraud matter in 2022. She said that on all previous occasions it had contacted her in advance to let her know that it would be calling her. She thought NatWest shouldn't have called on a Saturday. And that NatWest had agreed to call her to discuss her complaint and then failed to do so.

On referral to the Financial Ombudsman Service, our Investigator said that he was satisfied that it wasn't unreasonable for NatWest to have called Miss M in the way it did. In respect of not calling her before issuing its final response, our Investigator said it should have arranged to call her first about her complaint. In respect of that issue he proposed that NatWest should pay £50 compensation.

NatWest accepted this. Miss M didn't accept that the compensation proposed was reasonable since it did not take account of the fact that she had suffered domestic abuse. Nor did it take account of a number of other issues.

The matter has been passed to me for an Ombudsman's consideration.

## **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.

First of all, I don't think that NatWest was aware, or could have been expected to be aware of Miss M's vulnerability. I'm aware that it previously dealt with a fraud issue with her, but there's no indication that Miss M made it aware of her vulnerability at that time. And she has accepted this in her submissions to us.

Given that position, I have to consider whether NatWest did anything wrong in “cold calling” Miss M particularly on a Saturday and from a withheld number. The call concerned the cost of living and what NatWest could possibly do to help. This was a general call which I understand NatWest would have made to lots of its customers. I accept that the call was made from a withheld number but note that the adviser did introduce herself and where she was calling from. Whilst I accept that Miss M was unhappy to be called on a Saturday, I don't think that generally this was an unreasonable thing to do.

As for NatWest warning Miss M in advance that it was going to call, I accept that on other occasions it did do this particularly when it was dealing with complaints. But these would have been when it was dealing with an ongoing matter, and again bearing in mind the likely number of people who were being called, I don't think that it would be reasonable to expect it to tell the customer in advance that it was going to call. I bear in mind that the adviser calling Miss M would not have been aware of her particular circumstances.

I've noted that NatWest has not been able to make a recording of the call available. From the circumstances described by Miss M and by NatWest, it appears that after being told by the adviser about the initial reason for the call she rejected it. I don't think the contents of the call are the issue here, Miss M did not complain about what was said to her. Rather her complaint is that she was called in the first place.

I note that Miss M has advised that she hasn't been able to find out what the call was about. Given her reaction to the call, I can understand it if NatWest would have been reluctant to speak to her further about what the call concerned. If Miss M would like to receive the information that the adviser was going to give her, I would suggest that she asks NatWest to provide this, either in writing or by prearranged call.

In light of what I've said, I don't think that NatWest did anything wrong by calling Miss M in the way that it did. In saying this I don't take lightly that Miss M has suffered domestic abuse and I understand her distress at receiving a call from a withheld number on a Saturday. NatWest has now made a note of her vulnerability on its system and taken her off its contact lists. So she shouldn't be receiving any further unwanted calls from NatWest.

I've considered the latest information Miss M has provided. With regard to NatWest's stated position concerning making phone calls, I appreciate that while it doesn't say anything about making phone calls from withheld numbers, it doesn't say that it won't do so. And I bear in mind that if a number is withheld generally the customer will know this before deciding whether to take the call or not. I'm not saying that Miss M shouldn't have taken the call, but I take into account that NatWest has to cater for all its customers when deciding on what its policy is for making calls.

I thank Miss M for providing the safeguarding information that other companies have in place for her. From what I can see NatWest has taken a note of her vulnerability, but if there are any further steps she wishes it to take, I would suggest that she contact it about this.

As regards the way NatWest dealt with the complaints, I appreciate that the call recording is not available but I think it was reasonable for the branch manager to ask the member of staff in question about the call. Having said that, and given that it said it would call Miss M before it sent its final response letter and didn't do so, it clearly should have, as it was then aware of Miss M's position.

I have considered carefully what compensation to award. I can only award compensation where I think that NatWest did something wrong. And in respect of Miss M's main complaint, I don't think that it did so, whilst fully appreciating the distress caused. So I can't award compensation for that. In respect of the failure to contact Miss M before sending its final

response letter, I do think that in all the circumstances of this case a £50 payment is reasonable.

With regard to the latest final response letter from NatWest, whilst it reiterated its position concerning this complaint, it also dealt with a new issue that Miss M had with regard to her subject access request (SAR). NatWest has paid some compensation in this respect, but the issue is still ongoing insofar as the SAR team still has to provide further information. I would suggest that Miss M waits until she receives any such further information before deciding whether she wishes to pursue a further complaint about this issue.

### **Putting things right**

NatWest should pay Miss M compensation of £50.

### **My final decision**

I uphold the complaint in part and require National Westminster Bank PLC to provide the remedy set out under “Putting things right” above.

Under the rules of the Financial Ombudsman Service, I’m required to ask Miss M to accept or reject my decision before 10 October 2024.

Ray Lawley  
**Ombudsman**