

## **The complaint**

Mr F complains that The Royal Bank of Scotland Plc removed nearly £5,000 from his account without his authority. He says that the circumstances in which that happened indicate a breach of confidentiality on the part of the bank.

## **What happened**

On 15 November 2024 an arrestment order was made in favour of Mr F's local council in respect of unpaid council tax. It was addressed to RBS and required it to secure funds representing any debts it owed to Mr F, up to a total of £4,834.21, but subject to a Protected Minimum Balance of £1,000. The order was delivered to the bank.

RBS moved £4,834.21 from Mr F's account to a designated account and, on 25 November 2024, told Mr F that it had done so.

Mr F complained about the bank's actions. He said, in summary, that he did not owe the council anything. He had won a court case several years earlier which showed that. He said too that the arrestment order had been made at a point when his account balance was unusually high. Generally, the account balance would not have been sufficient to cover the amount referred to in the order. That indicated that his account was being monitored and that the council or its agents had applied for the arrestment order when it knew there were enough funds to cover the sum claimed.

The bank said that it was a third party and that, if Mr F wanted to challenge the arrestment order, he should do so through the sheriff's office or the council. It apologised that it had not dealt with Mr M's complaint as effectively as it could have done, but did not believe that any compensation was warranted.

Mr F referred the matter to this service, where one of our investigators considered what had happened. He did not however recommend that the complaint be upheld. Mr F did not accept the investigator's assessment and asked that an ombudsman review the case.

## **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 fairly lengthy submissions, and it is clear that he feels strongly about what has happened. My own comments will however be relatively brief. I do not mean any discourtesy by that, but it is in keeping with this service's remit to resolve disputes quickly and informally.

It is not for me to say whether the arrestment order was properly made. I am satisfied however that it was genuinely issued and was, therefore valid. More importantly, it was not for RBS to question whether it had been properly obtained or whether Mr F owed the money claimed by the council.

Once the bank received the arrestment order, it was under a legal obligation to check whether Mr F owed it any money and, if so, to secure funds up to the amount stated in the order, subject only to the Protected Minimum Balance of £1,000.

Money held to the credit of a bank's customer is a debt owed by the bank to that customer. So, RBS did owe Mr F money and had to secure funds in accordance with the order. Not to comply with the order could have resulted in a fine.

I note what Mr F says about the timing of the order, which coincided with an account balance which was higher than usual. I do not think, however, that I can fairly conclude that RBS was monitoring the account so that it could tell the Sheriff's Office or the council when to issue or seek an arrestment order. I have seen nothing to indicate that RBS told any third party what Mr F's account balance was – either before or after the order was made. It would have been apparent from the amount secured only that it was at least £5,834.21 (the sum secured plus £1,000).

I have considered too how RBS dealt with Mr F's subsequent queries. It told him by letter what had happened and why. Subsequent exchanges were not as clear as they might have been, in part I think because Mr F said that withdrawal was unauthorised. That was not entirely accurate, however, and I think that probably led to some confusion. Be that as it may, I am satisfied that the bank's apology was an appropriate response.

### **My final decision**

For these reasons, my final decision is that I do not uphold Mr F's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 3 December 2025.

Mike Ingram  
**Ombudsman**