

The complaint

Mr C seeks to complain about the way in which The Co-operative Bank Plc has dealt with his request for information about the bank's actions towards him in 2016, and the level of service he has received as a vulnerable customer.

What happened

Mr C has provided extensive submissions in relation to his complaint. While I'd like to assure him I've read everything he's said and provided, I'm not going to go into the same level of detail here. I will simply say, in summary, that:

- There was a dispute between Mr C and Co-operative Bank in 2016 involving incorrectly addressed bank statements. Mr C complained to the bank and in the course of dealing with matters the bank reported an incident to the police. Mr C took exception to the bank's actions and referred his concerns to us.
- We assessed Mr C's complaint in December 2016 and awarded compensation for the bank's handling of matters. The assessment explicitly excluded any opinion on the bank's action in contacting the police.
- In 2024 Mr C contacted Co-operative Bank making a data subject access request ("DSAR"), with particular regard to the 2016 events. He was dissatisfied with delays on the bank's part and with its failure to treat his concerns as an escalated complaint response. He believes "rogue elements" within the bank are covering up their activities and breaching data protection regulations.
- Co-operative Bank disputes that it failed to provide information in response to Mr C's DSAR. It says it no longer holds internal emails relating to the 2016 events, due to the passage of time and the fact that employees involved at the time have since left. It referenced a contact note made in 2016, which it considered demonstrated it had not acted incorrectly in its notification to the police.
- The bank acknowledged that it should have done better in 2024 to engage with Mr C's request to escalate his concerns, and that this had resulted in delay. It said it would credit his account with £150 by way of apology.

After Mr C contacted us with his complaint, our investigator considered the extent to which we had the power to deal with his concerns. He concluded that certain aspects were not within our jurisdiction, such as those relating to the bank's complaint handling activities. The investigator also felt it inappropriate to go into any detail about the police contact, given that Mr C had been given the opportunity to pursue that matter in 2016 in response to our assessment at that time.

The investigator provided Mr C with details of the Information Commissioner's Office ("ICO"), suggesting that he contact the ICO if he was unhappy with the information supplied – or not supplied – in response to his DSAR. And he felt Co-operative Bank had made a fair and reasonable proposal in terms of compensation for its service shortcomings.

Mr C hasn't agreed with our investigator's assessment and has asked for this review. While I can see Mr C feels his complaint should be reviewed by someone at a higher level than an ombudsman, that is not something we can offer to him. Our scheme provides that it is an ombudsman that is the person who can determine complaints referred to us. The alternative is for users to have their complaint dealt with by a different scheme providing dispute resolution, such as independent mediation or in a court of law.

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.

I'm conscious of how strongly Mr C feels about the matters he's described. I also understand that Mr C will likely be disappointed by my decision. And I am of course aware of what he's said about his vulnerable status. But I have to decide the issues at hand by reference to our rules and the case facts, rather than by how a party to a complaint might feel about the outcome.

I have noted Mr C's request that the issues he has raised be addressed on a point-by-point basis due to his vulnerabilities. As my conclusions reach across all of the points he's made, I've set them out below as clearly as I can, noting the specific points where I think it's appropriate for me to do so.

My power to deal with a complaint is set out both by legislation – the Financial Services and Markets Act 2000 ("FSMA") – and in rules within the DISP section of the Financial Conduct Authority ("FCA") Handbook, which can be found on the FCA's website. As our investigator noted, I can't deal with a complaint about the actions of a firm in carrying on complaint-handling.

Taking into account relevant case law¹, these aren't within my remit. Such a complaint doesn't meet the definition of a complaint as set out in the FCA Glossary; that is, it doesn't relate to the provision of (or failure to provide) a financial service, claims management service or a redress determination².

Most of what Mr C has alleged about the bank's 'cover up' isn't really in relation to any financial services Co-operative Bank was providing or failing to provide to him. Rather, his concerns relate to the actions of the bank's complaints department while it was engaged in complaint-handling activity. Because of the FCA Glossary definition it's not enough simply for the bank to be a financial services provider to enable me to deal with a complaint.

Mr C's DSAR (and his subsequent complaint about it) falls into this category. He is seeking internal correspondence he believes Co-operative Bank might hold relating to the contact its complaints department made with the police in 2016. With this in mind, I can only echo the investigator's suggestion that Mr C take up with the ICO his concerns over whether the bank has responded appropriately to his DSAR.

I don't propose to relitigate the matters Mr C brought to us in 2016. Mr C had the opportunity to ask for a review at the time, when we provided him with our original assessment. If he did not do so then, I'm afraid he has now missed that opportunity. It would not be reasonable for

¹ The relevant case law is *R (Mazarona Properties Ltd) v Financial Ombudsman Service* [2017] EWHC 1135 (Admin).

² A redress determination is a term also expressly defined in the FCA Glossary. It has to involve a respondent's communication in relation to a consumer redress scheme under FSMA section 404.

me to revisit the issues then raised; given what was then said and the passage of time, the bank is entitled to expect closure.

I've already noted that Co-operative Bank has acknowledged some aspects of its service to Mr C that could have been better. The bank has offered him compensation in recognition of this. In light of what I've said here, I have to leave it with Mr C to decide for himself whether he now feels able to accept the bank's payment and draw a line under matters. But for the avoidance of any doubt, I've no basis to require Co-operative Bank to take further action.

My final decision

My final decision is that The Co-operative Bank Plc doesn't need to do anything further to resolve this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 27 October 2025.

Niall Taylor
Ombudsman