

The complaint

Mr F complains National Westminster Bank PLC (“NatWest”) declined his application for a current account, didn’t offer him a Basic Bank Account (BBA) - and applied an external fraud marker against him. Mr F also adds that in doing so, NatWest has discriminated against him.

To put things right, Mr F wants NatWest to give him a BBA.

What happened

The details of this complaint are well known by both parties, so I won’t repeat them again here. Instead, I’ll focus on giving my reasons for my 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.

Having done so, I have decided not to uphold this complaint. I’ll explain why.

Banks generally set their own policies and processes for dealing with new account applications but will have regard to any legal and regulatory obligations placed upon it. It’s not generally a matter for this service to interfere with a bank’s policy and its processes which determine whether it opens an account.

But I do need to consider if NatWest acted fairly and reasonably in the way it did so - in the individual circumstances of this complaint. NatWest has explained and provided supporting evidence as to why it declined Mr F’s application for a current account. Having carefully considered this, I’m satisfied NatWest acted fairly. NatWest is under no obligation to provide a detailed explanation.

Mr F says he should have been offered a BBA by NatWest. The Financial Conduct Authority, the regulator, has provided guidance to the industry as to when a provider of a BBA, of which NatWest is one, should signpost its customers to this provision. I can see that NatWest didn’t signpost Mr F to its provision of a BBA.

NatWest however say it did consider this, but given the concerns it held, it decided not to do this. I have carefully considered what NatWest say about this, and I think the matter is more finely balanced than the position NatWest has taken up.

But given the wider information I have seen, I am persuaded, on balance, that NatWest acted fairly in not signposting Mr F to its provision of BBA’s. My reasons for doing so are based on information NatWest has provided to me in confidence.

Mr F says he has been discriminated against based on his disability. I’d like to assure Mr F that I’ve very carefully considered everything he’s said about this. And I want to make clear I do not doubt how genuinely he feels about this matter and the upset NatWest’s actions have caused him.

While I appreciate this is Mr F's perspective, it is not my role to decide whether discrimination has taken place as a matter of law – only the courts have the power to decide this. I have, however, considered the relevant law in relation to what Mr F has said when deciding what I think is the fair and reasonable outcome. Part of this has meant considering the provisions of The Equality Act 2010. But after doing so, I've not seen evidence to indicate Mr F was treated unfairly.

Lastly, Mr F says NatWest has applied an external fraud marker against him. I'm satisfied from the evidence I have seen that NatWest has not done so. Mr F may consider raising an information request to CIFAS and Synectics Solutions who are two of the main organisations banks work with when applying fraud markers. Should Mr F need help with this, our Investigator should be able to help him.

As I don't think NatWest did anything wrong, I see no basis in which to direct it to open an account for Mr F nor to pay him any compensation for the distress and inconvenience he may have suffered.

My final decision

For the reasons above, I have decided not to uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 5 January 2025.

Ketan Nagla
Ombudsman