

complaint

Mr and Mrs M complain that they were mis-sold a joint packaged account by Bank of Scotland plc in 2007.

background

Bank of Scotland charged a monthly fee for the packaged account which came with a range of benefits. Mr and Mrs M say they were told they had to take the account to get an overdraft. They're also unhappy a claim they made on the mobile phone insurance was unsuccessful.

Our adjudicator didn't think the account was mis-sold. Mr and Mrs M don't agree with this opinion, so the complaint has been passed to me.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Mr and Mrs M have told us they were led to believe they needed the account to get an overdraft. Bank of Scotland have provided Mr and Mrs M's bank statements. From them I can see that there was an overdraft connected to their packaged account but it was opened several months after the upgrade happened. This delay would indicate that the overdraft and the packaged account weren't linked. Also, Bank of Scotland have told us that having a packaged account didn't have an impact on applications for credit facilities such as overdrafts. With these points in mind, there isn't enough information to make me think Mr and Mrs M were told they had to take the account to have an overdraft.

The upgrade doesn't seem to have been recommended, but Bank of Scotland still had a responsibility to give Mr and Mrs M enough information about the account to enable them to decide if they wanted it. As this was a sale, the benefits of the account are likely to have been mentioned as they are often used as a way of promoting the account. However, it may be that some of the other details about the account weren't made clear to Mr and Mrs M so I've considered how this might have affected the sale.

In 2007 the account offered mobile phone insurance which I understand Mr and Mrs M unsuccessfully tried to make a claim under in 2008. Bank of Scotland's records show a call was made about a mobile phone claim in 2008 and that a handset was registered around the same time. After the handset was registered, Mr M has told us it was sent to the mobile phone insurers who assessed the claim but decided to decline it. So while Mr and Mrs M might not have initially been told everything about the account – like the need to register their handsets – this lack of information doesn't appear to have been the reason their claim was unsuccessful. I also note Mr and Mrs M kept the packaged account after making the claim which suggests there were some benefits, aside from the mobile phone insurance, which they found useful. These benefits may have been the home emergency cover and the breakdown cover; both of which Mr and Mrs M are recorded as using. Based on what I've seen I don't think more information about the account would have put Mr and Mrs M off upgrading.

I don't think the account was mis-sold. If Mr and Mrs M would like to pursue a complaint about their unsuccessful mobile phone claim they should contact the insurers of the mobile phone insurance directly first.

my final decision

I don't uphold Mr and Mrs M's complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr and Mrs M to accept or reject my decision before 11 April 2016.

Tope Adeyemi
ombudsman