Financial Ombudsman Service

complaint

Mr S has complained that National Westminster Bank Plc (NatWest) mis-sold him a packaged bank account.

background

Mr S took out a free account with NatWest in 1992. This account was upgraded in 1999 to an Advantage Gold packaged account. Mr S paid a fee for this account which came with several benefits.

One of our adjudicators looked into Mr S's complaint and didn't think that the account had been mis-sold to him. Mr S didn't agree with this and asked for an ombudsman to look into the complaint and decide the outcome.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. We've explained how we handle complaints about packaged bank accounts on our website and I've used this approach to decide what to do about Mr S's complaint.

I know this will be very disappointing for Mr S. But having reviewed all the information and evidence I have in this case, and giving it a lot of thought, I don't think I have enough to say that the packaged account was mis-sold to him. I hope my explanation makes clear why I've reached this conclusion.

The first thing I've thought about is whether Mr S was given a fair choice when his account was upgraded. When Mr S first brought the complaint to us he said that when the upgrade took place he'd called the bank to ask for a substantial increase to his overdraft limit and was told that if he wanted this he'd need to take the packaged account. And he provided quite a lot of detail about the phone call. But, when the upgrade took place in 1999 the account's overdraft limit was £300 and this wasn't changed or increased at the time. The substantial uplift on the overdraft limit took place some years later. So I can't agree that NatWest mis-led Mr S on this point, and that this led to the upgrade.

Mr S has accepted this and that his recollections of the time aren't complete. And of course, I understand this as it's been around 17 years since the account was upgraded; I wouldn't expect Mr S to remember what happened in detail. But because Mr S's recollections are limited, on the information I have, I don't have enough to say that Mr S wasn't given a fair choice when he took the account.

Mr S has also said that he can't see why he would have taken the account at the time, because in hindsight, the benefits of the account weren't that useful to him. I can't say what led to the upgrade and I don't want to make assumptions about what Mr S needed, as I don't know the ins and outs of his circumstances at the time. But I haven't seen enough to make me think that Mr S *couldn't* have used the benefits the account came with if he'd wanted to.

I've thought about whether NatWest advised Mr S to take the account, because if it had then it would have had a responsibility to make sure that the account was appropriate for him. But I don't think I have enough to say that Mr S was given a personal recommendation based on his circumstances. And banks don't always have to provide advice when they sell something. NatWest did have to give Mr S clear enough information for him to decide whether to take the account. And I think as it's likely the bank was selling Mr S the account, that it would have highlighted the main benefits, because these would have made it more appealing. I accept that detailed information about the individual benefits may not have been given – but I'm not persuaded that Mr S wouldn't have taken the account if it had been.

I know this isn't the outcome Mr S was hoping for so I'd like to reassure him that I have thought about everything in detail. But for me to uphold Mr S's complaint I'd need to conclude that what most likely happened, is that NatWest did something wrong when it sold him the account and that he lost out as a result. But having thought about everything, I don't have enough to say that's what happened in this case.

my final decision

For the reasons I've explained, I don't uphold Mr S's complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr S to accept or reject my decision before 18 February 2016.

Lauren Long
ombudsman