

complaint

Mr and Mrs B have complained that TSB Bank Plc ("TSB") mis-sold them three packaged bank accounts. A Select account sold prior to late 2001, a Gold account in August 2004 and a Platinum account in May 2006.

background

One of our adjudicators has looked into this complaint already. And she did not think that TSB had mis-sold the packaged bank accounts. Mr and Mrs B disagreed and asked for an ombudsman to look at their complaint and make a final decision.

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 help me decide Mr and Mrs B's complaint.

I've carefully thought about everything I've seen on this complaint. But while I know this will come as a disappointment to Mr and Mrs B, I don't think that TSB mis-sold the packaged accounts to them. I'd like to explain the reasons for my decision.

I've started by thinking about whether Mr and Mrs B were given a clear choice in taking the packaged account. At this point, it may help for me to explain that I have to make my decision based on what I think is most likely to have happened. And in working out what I think is most likely to have happened, I have to think about everything I've been told together with everything else I've been provided with and see how this fits with what I do know. In other words, what I have to do, in this case, is decide what I think is most likely to have happened having weighed up what Mr and Mrs B and TSB have been able to provide me with.

Mr and Mrs B had a free account prior to upgrading for the first time so I think that they would be reasonably aware that free accounts were available. Mr and Mrs B say that they were told that they had to take out these accounts in order to increase their overdraft limit. Based on the information that I have I cannot see that the overdraft was increased at the time of two of these upgrades. The first upgrade happened so long ago that there is no information about whether an increase in the overdraft took place. But given that it did not occur on the next two upgrades, when Mr and Mrs B said that it did, I don't think that it is likely that it occurred on the first one. So overall I think that it's more likely than not that they had a fair choice when they took out this account.

Mr and Mrs B say that they were not told about the benefits that these accounts came with prior to 2008. There is some evidence to suggest that they were aware of at least some of the benefits due to some registrations of handsets on the mobile phone insurance and their mention of preferential rates on overdrafts. But I can see that Mr and Mrs B dispute registering handsets. Regardless of this though I think that it is more likely than not that they would've been told about the main benefits that the accounts came with, after all TSB were trying to persuade them to take out fee paying accounts, when they would've likely known that they did

not have to. The easiest way for TSB to do this was to highlight the benefits that the accounts came with.

I am prepared to accept that Mr and Mrs B were not told all the terms and exclusions for all of the benefits that came with the accounts but I can't see that there was anything that they were specifically not told that would've altered their decision to take out the accounts.

Ultimately I think that Mr and Mrs B took out these accounts knowing that they did not have to and knowing what the major benefits were. I want to reassure Mr and Mrs B that I've looked at all the information provided about this complaint. And I've thought about everything they've told us about all the sales. But having done so, I don't think they've lost out because of anything TSB did wrong when selling the accounts to them. So I don't think it owes them any money.

my final decision

For the reasons set out above, I'm not upholding Mr and Mrs B's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs B to accept or reject my decision before 22 January 2018.

Charlie Newton
ombudsman