

complaint

Mr A complains that he was mis-sold two packaged bank accounts by National Westminster Bank Plc (NatWest).

background

Mr A had two packaged accounts called "Advantage Gold" which were sold to him in 1997 and 2009. Both accounts came with a range of benefits in exchange for a monthly fee. Mr A says that he was wrongly led to believe he had to take them. Our adjudicator recommended that we didn't uphold the complaint. Mr A disagrees with this opinion, so the complaint has been passed to me.

my findings

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

NatWest have provided information to show that the Advantage Gold Accounts were attached to two separate accounts with different numbers. Mr A has told us that he doesn't agree that he had two separate accounts and thinks that NatWest have tried to cloud his complaint by suggesting this.

I've had a look through Mr A's bank records, which includes a 13 page document titled customer details. The document sets out Mr A's name and address at the top and shows the products Mr A has had with NatWest over the years. Having looked through it I'm satisfied that Mr A did have two separate accounts with packaged bank accounts attached to them. The first ended with the numbers 3658 and was opened as a free account in 1984. It was upgraded in 1997 to the Advantage Gold packaged account and was closed in July 2009. The second account in Mr A's name with a packaged account connected to it ended with the numbers 2677. It was opened as an Advantage Gold Account in June 2009.

3658 Advantage Gold Account

The first Advantage Gold Account was sold to Mr A in 1997 which is the year the accounts were introduced. Mr A has said that at the time of the sale he was told he had to upgrade because free accounts were being phased out. But other than what Mr A has said, there is no other information to indicate that in introducing the Gold Account, NatWest removed the free accounts they already provided. NatWest did migrate some of their packaged accounts to different packaged accounts and Mr A has mentioned this. But these changes didn't take place at the time of the sale and the free accounts NatWest offered appear to have remained available during the periods the migrations took place. Overall there isn't enough information to indicate Mr A was made to believe he had to upgrade.

I don't think the account was recommended. A recommendation would have involved Mr A receiving personalised advice about the account and its suitability for him. There isn't evidence that this happened or should have happened during the sale. But while I don't think there was a recommendation, NatWest still had a responsibility to give Mr A enough information about the account to enable him to decide if he wanted it. As the sale took place nearly 20 years ago it's difficult to know what information Mr A got. As a result it's possible he didn't get all the information he needed when he was deciding whether to upgrade. But

I haven't seen evidence of information that Mr A should have got that could have put him off upgrading. He seems to have been eligible for the benefits the account offered and able to use them.

2677 Advantage Gold Account

The second Gold Account was sold to Mr A in June 2009. Mr A has said he was called by a representative of NatWest who told him about the account. As he thought free accounts had been phased out he agreed to open the Advantage Gold Account. He suggests he wouldn't have taken it otherwise. But, as mentioned, there isn't enough information to make me think Mr A was ever told free accounts weren't available. Based on what I've seen, it seems more likely Mr A opened the Advantage Gold Account in 2009 because he was interested in what it offered.

Mr A remembers being told on the phone about the account benefits. He also says the representative said the account would be best for him. I've thought about whether Mr A's description of what he was told by the representative could have amounted to a recommendation. I don't think it does as there isn't evidence that tailored advice based on Mr A's personal circumstances was given. Even though I don't think there was a recommendation, NatWest still had to give Mr A enough information about the account to enable him to decide if he wanted to take it. In this sale, NatWest have been able to provide extracts from their internal records that show Mr A was sent information about the Advantage Gold Account, however the dates show that he would have received these mailings after he had already upgraded. So again it's possible that Mr A didn't get all the information he needed when he was deciding whether to upgrade. But I don't think more information would have put him off upgrading. The information available indicates he was eligible for the benefits the account offered and was able to use them – which he went on to do.

Overall, I don't think either of the accounts were mis-sold.

my decision

I don't uphold Mr A's complaint

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

Tope Adeyemi
ombudsman