

complaint

Mr F complains that The Royal Bank of Scotland Plc ("RBS") failed to transfer his funds when he made a written request.

background

I issued a provisional decision on this complaint in January 2016. A copy of that decision is annexed to this final decision and forms part of it. I invited the parties to submit any further representations they wished to make before I finalised my views.

Both parties have now responded. RBS has agreed to pay Mr F £200. It has put forward three suggestions about how to deal with Mr F's requests in the future, these have been provided to Mr F.

Mr F asks for an increase in compensation. The matter has now come to me for 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.

I have read the additional information provided by Mr F. He says RBS's delay in transferring the funds meant he had to access other funds, which he'd been intending to save. I've looked at this but the documents relied upon by Mr F show he applied to release these other funds before he applied for the transfer from RBS. And when the paperwork was ready, Mr F signed the release forms in June 2015, well after the funds had been transferred by RBS in April. So I can't see that RBS's delay was the trigger for Mr F accessing these other funds. And there's nothing else to show that his position was prejudiced by RBS's delay. So I remain of the view that £200 is fair and reasonable compensation for the inconvenience Mr F was put to in having to pursue this matter.

I've also considered the suggestions put forward by RBS. It has presented Mr F with a choice of options going forward. I think that's a fair and reasonable approach here. It's for Mr F to decide which option will work best for him and then for RBS to set it up. I encourage the parties to co-operate with each other going forwards.

I've looked again at my provisional decision. For the reasons I gave in that decision, I remain satisfied of the findings and conclusions that I reached.

So I remain of the view that it would be fair and reasonable for RBS to pay Mr F £200. Mr F must decide which of the 3 options proposed by RBS works best for him going forwards.

my final decision

For the reasons given, I am upholding this complaint about the transfer and direct The Royal Bank of Scotland Plc to pay Mr F £200.

I am satisfied that The Royal Bank of Scotland Plc has acted fairly and reasonably in suggesting 3 different ways of dealing with Mr F in the future. It is for Mr F to choose one of these methods. RBS should then set up that system so that Mr F can access his accounts without incurring any additional costs.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 21 April 2016.

Sarah Tozzi
ombudsman

COPY OF PROVISIONAL DECISION

complaint

Mr F complains that Royal Bank of Scotland Plc (RBS) failed to transfer his funds when he made a written request.

background

Mr F made a written request for funds to be transferred from his account to a third party account in March 2015. RBS refused to action the transfer as it said the signature on the request did not match the signature on the banks' internal records. The bank eventually transferred the funds in April 2015.

Mr F has raised a previous complaint with this service about a similar issue. He provided a copy of his signature to the bank with verification from his solicitor back in February 2014 and this was acknowledged by the bank in April 2014. Mr F says it was his signature on the requests made in March 2015, he feels that RBS unnecessarily blocked access to his funds. He has asked the bank to agree a simple process for transfers in the future.

RBS says the signature was not an exact match. It also explains that the matter was referred for an additional risk assessment because of Mr F's current circumstances.

Our adjudicator considered the complaint and agreed that the bank had reason to question the signatures. She suggested that in the future Mr F made requests for any transactions on the account through his solicitors, with a fresh authorisation for each transaction. Mr F felt that was unfair as an agreed system was already in place since 2014. Mr F also complained that this new system would be expensive as he'd have to pay his solicitor to do the work for these transactions. As Mr F doesn't agree with the view, the matter has come to me to make a decision.

my provisional findings

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

It is clear that a system for authorising transactions was set up in 2014 and I can see that Mr F's signature, verified by his solicitor had been given to the bank at that time. It's also clear from the previous complaint that the bank knew about Mr F's personal circumstances at that time and understood why this system had to be set up.

I've looked at the complaint and I've looked at the signatures. They appear similar albeit but there are some minor differences. It wasn't unreasonable to question the signature initially but It looks to me as if the reason the transaction was actually blocked was because a risk assessment was raised relating to Mr F's personal circumstances. I can't see that any further consideration was given to this at the time and I don't know if proper records were kept about it. I think that's relevant given who the payment was for. So I think RBS didn't do things as well as it should've done when it refused to transfer the funds in March 2015.

The funds were transferred successfully in April 2015 (around 1 month later), but Mr F says this delay caused him financial loss. I can see the delay in making this transfer would've caused Mr F some distress because of the nature of the payment. But I don't have enough to find that the delay caused the extent of losses which Mr F now claims. And I haven't been provided with any evidence as to how Mr F dealt with this at the time in terms of explaining the delay to the person to whom the funds were being transferred. So I don't think it's fair and reasonable to make an award in respect of financial loss.

But I can see that the refusal to transfer has put Mr F to inconvenience in having to lodge a complaint and the delay caused Mr F some distress. That needs to be put right, so I direct RBS to pay Mr F £200.

The nature of Mr F's circumstances means it's difficult for him to correspond or deal with the bank quickly. So I agree with the parties that it is important to set up a system that will work for any future transactions.

I've looked at the suggestion made by our adjudicator. But I don't think that's a fair and reasonable solution because it will put Mr F to additional expense for each transaction. RBS says there are no special procedures for customers in Mr F's position with a credit balance, so he needs to be treated the same as other customers. RBS needs to put in place a system that will not cost Mr F anything and which will give him fair access to his accounts. I'd like RBS to provide some practical suggestions.

my provisional decision

For the reasons set out above, I am provisionally upholding this complaint and direct The Royal Bank of Scotland plc:

- i. to pay £200 to Mr F;
- ii. to set up a fair system in which Mr F can access his accounts without incurring any additional costs.

I invite the parties to provide any more comments and evidence by 7 March 2016, after which time I will consider everything and give a final decision.

Sarah Tozzi
ombudsman