

## **complaint**

Mr P complains that National Westminster Bank Plc ("NatWest") mis-sold him a Select Silver packaged bank account in 2011. Mr P paid a monthly fee for the account, which offered him several benefits in return.

Mr P's used a claims management company (CMC) to bring his complaint to us.

## **background**

One of our adjudicators has already looked into Mr P's complaint. She didn't think NatWest mis-sold the account to Mr P.

The CMC disagreed with the adjudicator's view. It said that having a free account previously doesn't mean Mr P was told he still had the option of a free account when he upgraded – and there's no evidence this happened. It said Mr P trusted the advice he was given by the branch staff. It acknowledged Mr P didn't take an overdraft. But it said this was because every time he asked in branch about taking one, he was told he wouldn't be approved yet. It added that Mr P didn't make a mobile phone claim. It said he couldn't because he wasn't told he'd need to register his phone.

## **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. I've used this approach to help me decide Mr P's complaint.

I've thought carefully about everything Mr P and the CMC have told us. But I don't think NatWest mis-sold the Select Silver account. I'll explain why.

Mr P initially told us he'd never had a fee free account in the UK. But both Mr P and NatWest now agree he had a free account before he upgraded to the Select Silver account. This was a Basic account and it didn't come with any credit facilities. So I can see Mr P needed to change accounts if he wanted to get them. NatWest offers fee-free accounts that offer credit facilities, including overdrafts. I think it's likely NatWest's representative would've explained its range of accounts to him, including fee-free options.

Mr P says he was told he'd need the packaged account to be able to get an overdraft and build up his credit history. It's possible NatWest's representative gave him this information. But I have to be persuaded that it's more likely than not that that's what happened. And I haven't seen enough to say it was or that the Select Silver account was the only one that was offered to him. Having considered everything, I think it's most likely NatWest gave Mr P a fair choice about whether or not to upgrade his account. And I think he was attracted to at least some of the benefits the Select Silver account offered him.

I also have to bear in mind that NatWest's records show Mr P didn't apply for any overdrafts while he had the Select Silver account. I've thought about the reasons the CMC has given us for this. But overdraft applications are subject to a credit check and depend on a customer's status and their credit history. I think it's unlikely branch staff would've been able to tell Mr P

whether or not an overdraft application would be successful without running an application through its systems. Or without going through an assessment of his financial situation.

Based on what I've seen, I don't think NatWest recommended the insurance policies that came with the account. So it didn't have to check if they were suitable for him. This means it was up to Mr P to decide if the account was right for him. But NatWest did have to give Mr P enough clear information so he could do this and decide if he wanted to upgrade his account.

I think it's most likely its representative explained the main features and benefits of the account to him, because this would've made it seem more attractive to him. And I think he'd have been told that to get these benefits he'd have to pay a monthly fee.

Mr P says he couldn't make a mobile phone claim because NatWest didn't tell him he'd need to register his phone. But on the first questionnaire he sent us, he said *"tried to claim for my mobile, but was told I had to have already registered – I did know this."* Later in the same questionnaire and in the second one he sent us, he said he didn't know about the registration requirement. So it's not clear whether NatWest *did* tell Mr P about the need to register, but from what Mr P's said, it seems as least as likely that it did. So I don't think I can safely say the bank did anything wrong. It looks like Mr P was relying on the mobile cover and I think it's likely this was the benefit he was attracted to when he opened the account.

It's possible NatWest didn't give Mr P all of the important information it should've done about the account. But based on what I've seen, I don't think there's enough for me to say he wouldn't have upgraded even if it had.

Mr P might not have got as much use from the Select Silver account as he'd hoped to. And he might now feel it hasn't been good value for money for him. But that doesn't mean NatWest mis-sold him the account. Overall, I haven't seen enough to suggest NatWest did anything significantly wrong when it sold him the account.

I'd like to reassure Mr P and the CMC that I've looked at everything they've sent me. But I don't think NatWest mis-sold the account. So I'm not telling it to pay him any money.

### **my final decision**

For the reasons I've given above, my final decision is that I don't uphold Mr P's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 21 October 2015.

Lisa Barham  
**ombudsman**