

complaint

Mr B has complained that National Westminster Bank Plc (NatWest) mis-sold him an Advantage Gold packaged account in 1999. He paid a monthly fee for the account which offered several benefits in return.

Mr B has used a claims management company (CMC) to bring his complaint to us.

background

One of our adjudicators looked into Mr B's complaint and didn't think that NatWest had mis-sold the packaged account to him. The CMC didn't accept this and asked for an ombudsman to look at the complaint and make a final decision.

Just to clarify, I've only considered the initial upgrade in 1999 to the Advantage Gold account.

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 B's complaint.

Having thought carefully about all the points that have been made I don't think NatWest mis-sold the Advantage Gold account to Mr B and I'll explain why now.

The first thing I've considered is whether Mr B was given a fair choice when he first took the packaged account. I don't doubt that Mr B has given us his honest recollections of what happened, but I've also had to bear in mind that his packaged account was upgraded over 15 years ago and memories can fade over time. So I've had to decide what I think most likely happened at the time.

NatWest has shown that Mr B took the Advantage Gold by upgrading from a free account he'd held with NatWest since 1995. So I think Mr B would have been aware that free accounts were available. The CMC has also said that Mr B was pressured, but they haven't provided much detail about what NatWest did or said to make him feel pressured. So overall I think it's most likely Mr B was given a fair choice and that he took the account because he was attracted to some of the benefits it came with.

Mr B has said that the account wasn't suitable for him. But from what I've seen I don't think NatWest gave Mr B personalised advice or a recommendation tailored to his circumstances (and it didn't have to). As I don't think NatWest gave advice, it didn't have a responsibility to assess whether the account was suitable for Mr B. It was for Mr B to decide if he wanted the account. That said, NatWest did still have a responsibility to provide enough information to enable Mr B to make an informed choice about whether he wanted the packaged account.

Mr B has said that he wasn't told about the benefits the account came with. I don't know what Mr B would have been told when the account was sold. But I do think NatWest probably did tell him about the main benefits of the account because those would have made it more attractive. I accept that detailed information about the account may only have been

sent after it had been taken out. But I don't think this would necessarily have made a difference to Mr B's decision to take it out.

I say this because at the time of upgrade the benefits package included travel insurance and a discounted rate on the overdraft facility. Mr B has benefited from paying a lower interest rate on the overdraft facility he had at the time of upgrade. And Mr B also told us in his questionnaire that he travelled, so I think he could have relied on the travel insurance the account came with. While Mr B has said that he was not aware that he needed to register to use the benefits, both of these benefits were available without the need for registration.

The CMC has said that it thinks NatWest should have checked over the years to make sure the account was still suitable for Mr B. But, as I think Mr B was given a fair choice when he took the account and knew he had it and the benefits it provided. I think it was for Mr B to downgrade it if he didn't think it was right for him anymore.

I know my decision will come as a disappointment to Mr B so I want to reassure him that I have considered everything he's said. I appreciate that with hindsight Mr B may feel that he hasn't had value for money with the packaged bank account. But for the reasons I've explained, I don't think the packaged account was mis-sold to him.

my final decision

So for the reasons I've explained, I don't uphold Mr B's complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr B to accept or reject my decision before 2 November 2015.

Lauren Long
ombudsman