

complaint

Mr R has complained that Bank of Scotland plc trading as Halifax ("Halifax") mis-sold him an Ultimate Reward Current Account ("URCA") in January 2013.

background

One of our adjudicators has looked into Mr R's complaint already. He didn't think Halifax had mis-sold the packaged account. Mr R didn't accept this and asked for an ombudsman to look at the complaint and make a final decision.

my findings

I've considered all the available evidence and arguments to decide what is 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 decide what to do about Mr R's complaint.

Where evidence is incomplete and matters are in dispute, as they are here, I make my decision based on what I think is most likely to have happened given the evidence that is available and the wider circumstances at the time.

I know this is going to come as a disappointment to Mr R, but after giving this case a lot of thought, I don't think the account was mis-sold to Mr R. I know this isn't the outcome that he was hoping for. But I hope that my explanation will help him to understand how I have come to this conclusion.

Firstly I have considered whether Mr R was given a fair choice to take out the account. The account was sold online. Mr R says that he was sent a number of messages via the online system and that he clicked on one of these messages and was upgraded automatically.

Mr R says that this means he did not agree to the account and was not given a choice to take it out. I have carefully considered this and my understanding of the online upgrade process is that while messages may have been sent to him he could choose not to upgrade if he did not wish to. In addition if he did accidentally click on one of these messages it would take him to the upgrade screen, but I understand that Mr R would've needed to complete a full online application for his account to be upgraded.

Equally Mr R used at least one of the benefits. And this was a benefit he didn't have available to him on the other free accounts he held with Halifax. This suggests that he knew his account had been upgraded and, in these circumstances, I think Mr R would've queried why he had a different account, instead of using the benefits, if he hadn't agreed to the upgrade in the first place.

So I think that it is more likely than not that Mr R did agree to the upgrade knowing he did not have to.

Mr R says that the account was recommended to him. He says that by sending him messages to upgrade Halifax was making a recommendation. But what we mean by recommendation is that a personal recommendation was made that the account would be appropriate for Mr R based on his personal circumstances at the time of the upgrade. So I

don't think that Halifax sending Mr R a message encouraging him to upgrade would be a personal recommendation that the account would be appropriate for him based on his circumstance at the time of sale.

Also my understanding of Halifax's sales process at the time was that personal recommendations were generally not made and there is not enough to persuade me that Halifax did not follow its own procedures for this sale. So given this Halifax did not have to ensure that the account was right for Mr R. It did though have to give Mr R enough information for him to decide for himself if the account was right for him.

From what I have seen of Halifax's online upgrade process I am satisfied that it is likely the major benefits would've been highlighted to him. Indeed Mr R's registration of at least one handset for the mobile phone insurance suggests that he must've seen, at least some, of this information. Halifax may not have told Mr R about all the significant features and exclusions on all of the benefits. But I haven't seen anything in his circumstances to suggest he would've been affected by them and I don't think that anything he was not told would have altered his decision to take out the account.

Mr R's main issue seems to be that on reflection he has not used the benefits as much as he expected to. But this does not in itself mean that the account was sold incorrectly. Overall everything I've seen suggests that Mr R did register to use some of the benefits of the account and he was eligible for and could've used some of the others too.

I want to reassure Mr R that I've looked at all the information I have about this complaint. And I've thought about everything that Mr R has said. But having done so, I don't think Halifax owes him any money.

my final decision

For the reasons I've explained, I don't uphold Mr R's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 17 August 2017.

Charlie Newton
ombudsman