

complaint

Mr S has complained that National Westminster bank Plc (NatWest) mis-sold a packaged bank account to him in 2010. He paid a monthly fee for the account which offered several benefits in return.

background

One of our adjudicators has looked into Mr S's complaint already. They didn't think that NatWest mis-sold the packaged account and didn't recommend it pay any compensation.

Mr S didn't accept this recommendation 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.

When there is a lack of evidence and what has happened is in dispute, as is the case here, I have to make my decision based on what I think is most likely to have happened given the evidence I do have and the wider circumstances at the time.

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 S's complaint. I agree with our adjudicator that NatWest didn't mis-sell the packaged account to Mr S and doesn't owe him any compensation. I say this because:

Mr S held a fee free account for a number of years before his account was upgraded to an Advantage Gold packaged account. He says this was done without his consent. But NatWest's records suggest this was done over the phone. It also says that he registered a mobile phone a year after the upgrade suggesting he was aware that he had the account and of some of the benefits. And as the accounts fees have appeared on his statements for a number of years, if he had not agreed to this, I would've expected him to question it sooner. Given the amount of time that has passed, I think it's quite possible that Mr S's recollections have faded. So considering everything I have, I don't think I can safely say that Mr S did not agree to upgrade his account. I think it's most likely that NatWest gave Mr S a fair choice to take the packaged account or keep his free one. But he chose to upgrade to the Advantage gold account

I don't think that NatWest recommended the packaged account to Mr S so it didn't have to check if the account was suitable for him. This meant it was up to him to decide whether the account was right for him and whether to maintain any insurances he already had which were duplicated by those offered by the packaged account.

NatWest did need to give Mr S enough information about the account so that he could decide if it was right for him. The packaged account came with a number of benefits. I think it's likely that NatWest would've made Mr S aware of the key benefits of the accounts as it's these benefits that make the accounts more attractive. I don't know what it was that attracted Mr S to the account. But I can see he has gone on to register for the mobile phone insurance, so it's possible this was a consideration of his. He may not have had much use

from the benefits, or indeed have needed them all, but this doesn't mean NatWest mis-sold the account.

It's possible that NatWest didn't tell Mr S everything it should've about the packaged account. But I haven't seen anything to make me think that he wouldn't still have taken the account even if NatWest had told him everything.

I want to reassure Mr S that I've looked at all the information I have about his complaint. Having done so I don't think NatWest mis-sold the account and I don't think it owes him any money.

my final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 9 November 2015.

Rob Deadman
ombudsman