

## **complaint**

Mrs B and Mr M have complained that National Westminster Bank Plc (NatWest) mis-sold an Advantage Gold packaged bank account to them in 1997. They paid a monthly fee for the account, which offered a number of benefits in return.

Mrs B and Mr M have used a claims management company (CMC) to bring their complaint to us.

## **background**

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

I issued a provisional decision on 3 September 2015, attached below. Neither the CMC nor NatWest has made any further comments in response to my provisional 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 help me decide what to do about Mrs B and Mr M's complaint. I agree with our adjudicator that NatWest did not mis-sell the packaged account to Mrs B and Mr M.

As there was no response to my provisional decision, my findings remain the same. I think NatWest gave Mrs B and Mr M a fair choice about taking the Advantage Gold account. And I think they chose to take the account, knowing they didn't have to, because there was something about it they found attractive.

## **my final decision**

For the reasons I've explained, I don't uphold Mrs B and Mr M's complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs B and Mr M to accept or reject my decision before 9 November 2015.

Cara Goodbody  
**ombudsman**



## **PROVISIONAL DECISION**

### **complaint**

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### **background**

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

### **my provisional findings**

I've looked at all the available evidence and arguments to consider 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 help me consider what to do about Mrs B and Mr M's complaint. I agree with our adjudicator that NatWest did not mis-sell the packaged account to them.

When the CMC disagreed with our adjudicator and asked for an ombudsman to look into the complaint, it said that Mrs B and Mr M weren't made aware of the benefits offered by the account – and the fact that Mrs B did register for some benefits more than ten years after the upgrade doesn't disprove that. The CMC also said that Mrs B felt no weight was being given to her testimony.

I've thought about these points carefully but I still don't think that Mrs B and Mr M's complaint should be upheld.

- Mrs B and Mr M took the packaged bank account by switching from a free account, so I think they knew they didn't have to pay to have a bank account with NatWest. Given the time that's passed since the sale, neither NatWest nor Mrs B and Mr M have been able to tell me much about what happened at the time. So taking everything into account, I think it's most likely that NatWest gave Mrs B and Mr M a fair choice to take the packaged account or keep the free one.
- Mrs B and Mr M have said they were advised to take the packaged account. I think it's likely that NatWest told Mrs B and Mr M about some of the benefits offered by the account. But I haven't seen anything to suggest there was a detailed conversation about Mrs B and Mr M's circumstances, or that NatWest gave them a tailored recommendation. So I don't think that NatWest did advise Mrs B and Mr M to take the packaged account, which means it didn't have to check if the account was suitable for them.

- NatWest had to give Mrs B and Mr M enough clear information about the packaged account for them to decide if they wanted it. Mrs B has said that none of the benefits were explained to them. But she's also said that they were told it was in their best interests to take the account. So I think NatWest must have explained some of the benefits to them, in order to sell the account. I don't know exactly what was said to Mrs B and Mr M at the time. But I can see that the Advantage Gold account offered a preferential overdraft rate – and it looks like Mrs B and Mr M did have an overdraft at the time. Mrs B has saved money on her overdraft by taking the Advantage Gold account. So I think this was probably the main attraction of the account for her and Mr M, and I think it's likely they chose it because of that benefit. They may not have used all the benefits, but this doesn't mean NatWest mis-sold the account.
- Mrs B has said she and Mr M didn't receive a welcome pack when they upgraded their account, and Mrs B didn't receive the refresher packs that were sent some years later. I can't say whether or not Mrs B and Mr M received a welcome pack when they upgraded. It's certainly possible that NatWest didn't tell Mrs B and Mr M everything it should have about the packaged account at the time. But I haven't seen anything to make me think that Mrs B and Mr M wouldn't still have taken the account even if NatWest had told them everything.
- For the later packs, NatWest has provided an audit trail to show that they were sent out – and there's nothing to suggest they were sent to the wrong address. So I think it's likely that Mrs B did receive them, although she may not have read them or now remember their arrival.

I want to reassure Mrs B and Mr M that I have looked at all the information I have about their complaint. Having done so I don't think NatWest mis-sold the packaged account to them.

### **my provisional decision**

For the reasons I've explained, I don't intend to uphold Mrs B and Mr M's complaint.

Cara Goodbody  
**ombudsman**