

complaint

Mrs D has complained about two packaged bank accounts sold to her by Barclays Bank Plc (Barclays).

Mrs D has used a claims management company (CMC) to bring her complaint to us.

background

Mrs D had a free account with Barclays before upgrading to the Additions packaged bank account in September 2003. This account was upgraded again to an Additions Plus packaged account in August 2008. Mrs D paid a monthly fee for the packaged accounts which came with several benefits in return.

An adjudicator looked into Mrs D's complaint and didn't think that the packaged accounts had been mis-sold to her. Mrs D and the CMC weren't satisfied with this and asked for an ombudsman to review the complaint and decide the outcome.

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 help me decide what to do about Mrs D's complaint.

Having thought carefully about everything I've seen on this complaint, I don't think I have enough to say that the packaged accounts were mis-sold to Mrs D. I know this will come as a disappointment to her, but I hope my explanation makes clear why I've reached this conclusion.

The first thing I've thought about is whether Mrs D was given a fair choice when she took the upgrades – so whether I think Mrs D took the upgrades, knowing she didn't have to.

In the questionnaire Mrs D and the CMC completed in October 2015 it was indicated that Mrs D hadn't had a free account before. But Barclays' records show that she had had a free account with Barclays before she took the packaged accounts. So I think she would have been aware that free accounts were on the market and available to her.

Mrs D has said that she was told to take the packaged account so that her debit card would be protected, and that her cards wouldn't be covered with a free account. She's also said that she felt pressured because of stories she'd heard previously about card fraud.

The bank has said that Mrs D didn't register any of her cards for protection around the time of either upgrade. The CMC has said that this is because she wasn't told at the time about registering.

There have been some inconsistencies in what Mrs D and the CMC have said – but that's not surprising because both upgrades took place a long time ago and I wouldn't expect Mrs D to remember what happened in detail. But when evidence is unclear or there are conflicts between what the parties tell us, I need to make a decision based on the balance of probabilities. So I look at the evidence I have and the surrounding circumstances, to help me decide what I think is most likely to have happened.

Mrs D said she was pressured because of stories she'd heard relating to fraud – but she hasn't said that it was Barclays who told her this. If, as Mrs D has said, she took the packaged account and only agreed to pay the fee for the card protection, I think that she would have registered her cards at the time. I've thought about what the CMC has said about Mrs D not being told to register. But if the bank had told Mrs D to take the account for the card protection then I think it's more likely that they would have also explained what she needed to do to use this benefit.

So overall, for the reasons I've explained, and because of the inconsistencies in what's been said I'm not persuaded that it's most likely Mrs D was misled about the card protection benefit and that this is why she upgraded her account. I think Mrs D took the packaged accounts knowing she didn't have to.

So as I think it's most likely Mrs D was given a fair choice, I now need to think about whether she could have used the benefits (not whether they've proved value for money over the years).

I can't say why Mrs D took the packaged accounts and I don't want to make assumptions about the benefits she may have wanted or needed at the time, as I don't have lots of information about her personal circumstances. But she hasn't said anything which makes me think she *couldn't* have used the benefits if she'd wanted or needed to.

From what I've seen I don't think Barclays recommended the packaged accounts to her and so it didn't have to check that the benefits were suitable. But it did have to provide Mrs D with enough clear information so she could decide for herself whether she wanted the accounts.

Because I think it's likely that the bank was trying to sell Mrs D these upgrades I do think it would have told her about the main benefits the accounts came with, as this would have made the accounts more attractive. I accept that detailed information about each benefit may not have been given at the time. But I haven't seen enough to make me think that more detailed information would have led to Mrs D not agreeing to the upgrades.

Mrs D has said that she already had breakdown cover, mobile phone insurance and arranged her travel insurance separately. Mobile phone and travel insurance weren't part of the Additions account when Mrs D originally upgraded and so wouldn't have been part of any decision to take the Additions upgrade. The Additions Plus account did have these three benefits, but I think Barclays would have told Mrs D enough about the main benefits of each account that she would have known where she had duplicate cover – and it would then have been for her to decide what to do with this.

I'm sorry that this isn't the outcome Mrs D was hoping for. But having considered everything I'm not persuaded to uphold her complaint.

my final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D to accept or reject my decision before 11 April 2016.

Lauren Long
ombudsman