

complaint

Mr M complains about the advice given by The Royal Bank of Scotland Plc (“RBS”) concerning the repayment of his debt and closure of his current account.

background

Mr M has a current account provided by RBS. The account has an agreed overdraft facility of £1,000. Over recent years Mr M has experienced financial difficulties.

Mr M says that he wanted to repay his debt and close his account. So in 2016 he spoke to his local RBS branch manager to discuss the matter. He says he was told by the branch manager that the only way to repay his debt and close the account was to let it go into arrears until such time as it was transferred to RBS’s recoveries department – after which point his debt would be written off and his account closed.

NatWest didn’t uphold Mr M’s complaint. It said there wasn’t any evidence its branch manager had told him to let his account go into arrears. NatWest told Mr M that his accounts are currently held in its collections department and urged him to contact them to set up a repayment plan to repay his debt.

Mr M didn’t accept RBS’s opinion. So he contacted us. To put things right, Mr M wants to come to an arrangement with RBS to repay his debt and close his account. But he feels he shouldn’t have to pay the charges that have been applied since the time he was advised by the branch manager to let his account go into arrears.

The investigator who looked into this complaint explained to Mr M that there isn’t a record of his conversation with the branch manager. And since there wasn’t enough evidence for her to conclude that RBS gave the advice to Mr M about which he’d complained, it wouldn’t be fair to ask them to pay any compensation. She explained to Mr M that we assess facts on the balance of probabilities. And that she had concluded it was more likely than not that RBS had explained the correct process to Mr M about repaying his debt and closing his account.

Mr M didn’t accept our investigator’s opinion. He asked for this complaint to be considered by an ombudsman so that a final decision can be made.

my findings

I’ve considered all the available evidence and arguments to decide what’s fair and reasonable in the circumstances of this complaint.

Mr M has told us he accepts that he owes money to RBS and has no issue with repaying it. He says he specifically only wants us to consider his complaint about the advice he says he was given by the branch manager - that he should let his account go into arrears in order to close it. He wants RBS to admit that its branch manager gave him this information. So I’ve only considered this point.

As explained by our investigator, there isn’t a record of the advice – between Mr M and RBS’s branch manager – about which he’s complained.

The only evidence available is Mr M's recollection of the advice. And what RBS has told us about the information it's likely to have given to Mr M about repaying his debt and closing his account.

In circumstances like this, where there is insufficient or conflicting evidence about what happened, I can't fairly and reasonably decide on the basis of one version of events over the other. In my opinion there isn't enough evidence to uphold this complaint. I understand Mr M will be disappointed by this, but – in the absence of evidence as to what was actually discussed between Mr M and the branch manager – I'm not able to reach any other conclusion.

I do have sympathy for the situation Mr M finds himself in. But I don't have enough information to conclude that the branch manager told Mr M the only way to close his account was to go into arrears and down the recovery route.

I'm sorry to hear that Mr M is experiencing financial difficulties. He may want to contact a debt charity such as Citizens Advice or StepChange as they could offer him help with his financial situation.

I can also see that our investigator provided to Mr M the contact details for RBS's specialist support team to help its customers who are experiencing financial difficulties manage their debt. She suggested that he contact them to speak about arranging a repayment plan to enable him to repay his debt and close his account.

my final decision

For the reasons stated above, I've decided not to uphold this complaint.

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

Clint Penfold
ombudsman