

The complaint

Mr O complains National Westminster Bank PLC keeps on asking him to do things the ways it wants them to be done even though it knows he can't do things the way it wants him to. He says that this puts him at a disadvantage given that he has a protected characteristic, means he can't manage his accounts independently and that this is, in turn, costing him money.

What happened

Mr O has a current account with NatWest and has been a customer of theirs for over ten years. He was able to manage his account without problems when he opened it.

In 2014 Mr O was assaulted and ended up with a severe head injury. He has, amongst other things, problems with short term memory loss as a result. This makes it difficult for Mr O to learn new skills and new routines. But he has retained "over learnt" behaviours such as driving. In short, his injury had and continues to have a significant impact on his daily life.

Mr O says he can't use phones independently – because he forgets conversations that he has – and letters don't work for him either – because he forgets about them after he's read them. He's developed strategies to manage, some of which involve him doing things the way he used to do them ten years ago, some of which involve other people reminding him that he has something to do and some of which rely on him using emails to communicate.

In April 2021 Mr O phoned NatWest to ask why his card had stopped working. His account had, in fact, been restricted because NatWest was concerned it had been compromised. NatWest checked Mr O had made certain payments, and then removed the restriction.

Mr O complained about NatWest restricting his account and about the fact that it expected him to phone to unblock his account. He said he wanted NatWest to send him an email if his account was restricted again. NatWest said it could do that, but then apologised saying that this wasn't correct. NatWest paid Mr O £100 in compensation for the distress the incorrect information he'd been given caused and accepted that he'd received poor service when he used its chat service. Mr O remained unhappy and so complained to us.

One of our investigators looked into Mr O's complaint. He complained about other problems he had with NatWest too – including problems getting a new card sent to him – while we were doing our investigation. Our investigator didn't think NatWest had acted fairly and recommended £300 in compensation. Mr O was unhappy with our investigator's recommendations saying that they hadn't understood the impact NatWest's actions had on him. He asked for an ombudsman to look into his complaint. So, that's what I've done.

What I've decided – and why

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

Six months ago, I issued a provisional decision saying that I was minded to uphold this complaint, award Mr O an additional £600 in compensation on top of the £150 he had

already paid and require NatWest to put arrangements in place that would allow Mr O to manage his account going forwards. I asked both parties to comment on what I'd said.

Mr O told me that he wouldn't be able to reply to my provisional decision for three months as he was going to be abroad for some time. He's since sent me comments, most of which don't relate to the solutions I suggested. NatWest also replied, after I had chased several times, suggesting the same solutions that had led Mr O to complain in the first place as ways that Mr O could manage his account going forwards. The responses I've received have been disappointing – NatWest, in particular, hasn't in my opinion taken on board the observations I made in my provisional decision, nor has it helped to come up with solutions when I would have expected it to. Before getting onto the merits, given what I've just said, I think it's worth explaining what I said in my provisional decision.

In my provisional decision I said the following:

"Our investigator asked Mr O to explain how he goes about his daily life as part of our investigation into his complaint. Mr O sent us a detailed reply explaining the strategies he's developed. I'd like to thank Mr O for sending this email – it, along with medical evidence that he's also sent in, has been very helpful. Our investigator has forwarded a copy of Mr O's email to NatWest – with Mr O's permission – which I hope NatWest will find useful too.

Mr O has three strategies that he uses in order to manage day-to-day. He:

- does things the way he used to do them ten years ago – for example, he goes to the same shops he used to go to ten years ago because he knows how to get to them;*
- relies on other people to remind him when he has something to do – for example, his mechanic reminds him when his MOT is due; or*
- marks emails that need him to do something as unread until he's completed them.*

He avoids using phones – because he forgets conversations that he has – and avoids letters – because he forgets about them after he's read them.

If Mr O sees an unread email, he knows that means he has something to do because he'll file the email away once he's completed the task that the email relates to. Given what I've just said, I can understand why Mr O asked NatWest if it could email him rather than write to him in the future if it had to restrict his account. By emailing him, NatWest would, in effect, be reminding Mr O that he needed to unblock his card and until he'd done that Mr O wouldn't file the email and would mark it as unread.

Our investigator told NatWest several times that Mr O cannot use a phone by himself, and about the problems he has when he receives letters. So, it's disappointing that NatWest has suggested more than once during this complaint that Mr O can complete a particular process or processes by phoning it. I can also see why Mr O has told us that NatWest keeps on asking him to do things the way it wants them to be done. And I can see why this would be so frustrating. NatWest has, however, recently suggested that one of its Customer Protection Managers could speak to Mr O to see if they could support his needs.

I think NatWest's suggestion might be quite helpful – particularly if one of its Customer Protection Managers can offer the type of support Mr O needs in order to manage his account by himself. That would mean NatWest coming up with a way that uses one of

the three methods I've mentioned above. NatWest has, as well as suggesting processes that involve phones, suggested processes that would be new to Mr O. For example, it's suggested he use Relay UK, but that's not something Mr O has said he's able to do as he doesn't know how to use that service. Mr O has given a number of examples of "new processes" NatWest expects him to learn, which he'll likely not be able to do based on what I've said above. For example, that he needs to let NatWest know before he goes abroad that he's going abroad to reduce the chances of his card being blocked. Or that he needs to order change in advance if he needs to get change from a branch. The difficulties Mr O has learning "new process" is something any Customer Protection Manager who speaks to Mr O will need to consider too.

what next?

Our investigator asked NatWest whether or not one of its Customer Protection Managers would be able to email Mr O and help him manage his account that way. NatWest said that it couldn't confirm whether or not they'd be able to do that – they'd have to have a discussion with Mr O. So, I'm going to ask NatWest to arrange for one of its Customer Protection Managers to speak to Mr O and to let me know what options he'll have going forwards when NatWest replies to this provisional decision. I'll take that response into account when deciding what I think is fair and reasonable in this case. If one of NatWest's Customer Protection Managers offers to support Mr O in a way that he agrees works for him, then my final decision will require NatWest to provide that support.

Having looked at all the evidence, I can see why NatWest has restricted Mr O's account three times – namely in December 2020, January 2021 and April 2021. I don't think it was unfair or unreasonable of NatWest to do so as it believed it was protecting Mr O when it did so. But I don't think the ways NatWest said it would let Mr O know about the restriction, and the ways he could get the restriction removed, were fair because NatWest's options involved phones or letters neither of which work for Mr O. I can also see that Mr O didn't have a card for over a year – likely because NatWest didn't deal with Mr O using methods that work for him meaning he lost track of what was happening / what needed to be done."

And this is what I said in my provisional decision that NatWest should do to put things right:

"I'm satisfied that not having a card for over a year, along with everything else that has happened on this case, had a significant impact on Mr O. He's told us in detail how it has done so. In the circumstances, I think an award of £300 is on the light side. Instead, I'm minded to award Mr O £600 in compensation on top of the £150 he's already been paid – this means a total award of £750. I'll say what other steps NatWest should put in place so Mr O can manage his account going forwards once NatWest responds to this provisional decision saying what its Customer Protection Manager is able to do to help."

As should be obvious, I said to NatWest in my provisional decision that its offer to arrange for one of its Customer Protection Managers to speak to Mr O about ways he could manage his account going forwards was a helpful one. I asked NatWest to arrange for that to happen and to let me know what options came out of that discussion. I also said that NatWest should take account of what I'd said about the three strategies Mr O uses in order to manage day-to-day when coming up with solutions, and that if one of NatWest's Customer Protection Managers offered to support Mr O in a way that he agrees works for him, then my final decision would require NatWest to provide that support.

NatWest's responses – given what I said in my provisional decision and generally – have

been both poor and disappointing. Our investigator had, for example, asked NatWest whether or not one of its Customer Protection Managers would be able to email Mr O and help him manage his account that way. NatWest said it couldn't confirm whether or not they'd be able to do that. In fact, NatWest eventually sent me a chain of emails that one of its Customer Protection Managers and Mr O had exchanged – after several times of asking – showing that there had already been contact with Mr O by email. Having sent me those emails, NatWest went on to suggest the same option that had led to Mr O complaining, namely that Mr O appoint a power of attorney. NatWest suggested that the attorney would be notified in the event that Mr O's account was blocked – a letter would be sent to the attorney – and the attorney would be able to phone NatWest and get the block removed. In other words, Mr O wouldn't be involved at all. Putting to one side whether or not that's a good option – it's an option I have a lot of reservations about – and the fact that it's the same option that led to Mr O complaining, it's an option that doesn't appear to have taken any of the observations I made in my provisional decision about the strategies Mr O used into account. That's what I asked NatWest to do – to come up with options that took the strategies Mr O uses into account. In short, NatWest has done neither the thinking I asked it to do nor the thinking I would have expected it to do. In other responses, NatWest questioned, for example, how Mr O had managed to travel alone to a place that wasn't familiar to him, suggesting that some of his comments are contradictory. That's despite my provisional decision being clear that I've seen extensive medical evidence to corroborate what Mr O has told us and despite us sharing – with Mr O's consent – sensitive information with NatWest. Again, it was really disappointing to see this.

In the chain of emails that NatWest sent me, I can see a Customer Protection Manager offered to send Mr O a signature card – in other words a card that doesn't use a PIN – so that he wouldn't have to remember his PIN. And I can also see that they offered to email him – though they did add that they didn't work at weekends so wouldn't be available then. I want to say a bit more about Mr O's PIN before I say more about how I expect NatWest to resolve Mr O's complaint.

Mr O has told us that he hasn't had a working card since April 2021 – in other words, almost 30 months. In my provisional decision, I said that Mr O hadn't had a card for over a year – he said that was wrong. I don't agree that I was wrong – I'm satisfied that NatWest sent Mr O a replacement card just over a year after his previous one stopped working. I am, however, satisfied that Mr O couldn't remember the PIN he'd been using the year before, and he wanted NatWest to send him a reminder in case that helped jog his memory. That's something NatWest didn't do, and it's for that reason that Mr O says he hasn't had a working card since April 2021. He technically has a card, but he says it isn't a working one because he doesn't have the PIN / can't remember the PIN. Mr O has also told us that he's been unable to manage his account in the way he'd like to – for example, using it online so he can take advantage of offers and buy items online – and has instead had to make long journeys to places he remembers in order to buy the same items. He says that this has cost him an additional £200 a month and that he wants compensation for this. He says NatWest paid him £200 for one of those months and he'd like compensation for all the others. Mr O has also told us about the psychological impact of NatWest's actions on him, as well as the physical impact and the amount of time he's has to spend getting his account to work in a way that he can manage. And he's mentioned how NatWest's actions have had a greater impact on him – given his disabilities – and mentioned what are known as the Vento guidelines as well as talking about the size of the awards we can make. In short, he considers the additional £600 I'm minded to award to be an insult.

Putting things right

Mr O has told us that he wants NatWest to send him a reminder of the PIN that he was using at the time they stopped his card in April 2021. He's told us that he can't remember the PIN,

because he hasn't used it for so long, but getting sent a PIN reminder might prompt him to remember. Alternatively, he's told us that he'll write any new PIN NatWest sends him on his card using black permanent marker – meaning his account won't be as safe as it should be. NatWest has told us that it has no record of what Mr O's PIN used to be, so I accept that it cannot send out a reminder.

Given everything I've just said, it wouldn't make sense requiring NatWest to send Mr O a reminder of his PIN, nor would it make sense assuming Mr O is going to remember his old PIN unprompted. NatWest suggested a signature card which would potentially solve the issue, but Mr O has told us that would create another problem – as a signature card would be a “new” process for him he says he wouldn't remember he doesn't need a PIN. A possible solution to this would be for Mr O to write on the signature card in black permanent marker words to the effect “no PIN needed”. That would arguably be safer than Mr O writing the next new PIN he's sent on his card. Another option would be for NatWest to help Mr O change his PIN to one he can remember using an ATM machine. This would involve Mr O visiting a branch, or being assisted to do so, but this could be used as an opportunity to resolve any other outstanding issues he has. So that's an option I think both parties should consider first.

The issue that appears to most concern Mr O is the possibility that his card might be blocked again. I'm satisfied that this has happened on three occasions in the past – and that NatWest didn't act unfairly when it blocked Mr O's card – so it could happen again. I'm also satisfied that the process that NatWest insists on using – namely writing to Mr O rather than emailing him when a block is placed on his card – and expecting him to phone in order to get his card unblocked is a process that doesn't work for Mr O given his disabilities. I would, therefore, expect NatWest to make reasonable adjustments so that Mr O is alerted to the fact that his card has been blocked as soon as possible – I accept that this won't be something NatWest can do in advance of a block being placed as often blocks will be placed automatically – but given that NatWest has a team of Customer Protection Managers who have access to email and have been communicating with Mr O by email I don't think it's unreasonable to expect NatWest to find a way of alerting Mr O by email to the fact that his card has been blocked. And to do so shortly after a block – if another one happens – has been put in place. Nor do I think it's unreasonable to expect NatWest to find a way that will allow Mr O to unblock his card without having to phone NatWest. So, I'm going to require NatWest to do those things.

I can see that the problems Mr O has had with NatWest have had a big impact on him, but I don't agree it would be fair or appropriate to award Mr O £200 for every month that he's not had a "working card". I haven't seen evidence that's robust enough to support that, and I don't think in any event that it would be fair. I can see that Mr O believes I should make a much higher compensation award – he's talked about me awarding £5,000 or more in compensation. When making an award, we have to look at the impact of what the business has done wrong – our awards aren't meant to be fines to punish a business. Mr O has provided some additional evidence based on which I'm satisfied that the impact has been greater than I thought at the time I issued my provisional decision. So, I'm going to increase the award from what was in effect an award of £750 in compensation to £1,000 in compensation. That means NatWest will have to pay Mr O an additional £850 in compensation – since I'm satisfied it has already paid £150 in compensation in relation to this complaint – in full and final settlement of this complaint should Mr O accept my decision.

My final decision

My final decision is that I'm upholding this complaint.

I'm requiring National Westminster Bank plc to pay Mr O £850 in compensation on top of the £150 it's already paid. In addition, I'm requiring National Westminster Bank plc to put arrangements in place that will allow Mr O to manage his account going forwards, including:

- alerting Mr O by email to the fact that his card has been blocked – if his card is blocked again – and to do so promptly;
- finding a way that will allow Mr O to unblock his card without having to phone NatWest or rely on a Power of Attorney.

I'm also requiring National Westminster Bank plc to provide Mr O with a signature card – on which he can write words to the effect "no PIN needed" in black permanent marker if that will help – or to help Mr O change his PIN to one he can remember using an ATM machine. This will involve NatWest helping to arrange for Mr O to visit one of its branches. Mr O will have to let NatWest know which option he prefers – a signature card or changing his PIN using an ATM machine. If neither of these options work for Mr O, then the parties can agree another way to resolve this issue provided they do so on the understanding that National Westminster Bank plc can't send Mr O a reminder of what his PIN used to be, and it's unrealistic to assume that Mr O will remember unprompted after all of this time. And, finally, provided that the solution doesn't involve Mr O having to rely on a Power of Attorney.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 13 November 2023.

Nicolas Atkinson
Ombudsman