

The complaint

Mr M is unhappy that TSB Bank plc didn't take any action to stop the repeated transactions he made to companies involved with gambling from leaving his account.

What happened

Mr M has a gambling addiction, and over several years he transferred large amounts of money from his TSB current account to various gambling companies. Fortunately, Mr M has now received support for his gambling addiction, but he raised a complaint with TSB as he felt they should have done more to recognise his gambling addiction and to have stopped the transfers he made to the various gambling companies from leaving his account.

TSB looked at Mr M's complaint. They explained that they don't offer a gambling block service, such as Mr M would have liked, and because Mr M was complaining about not receiving a service that they don't offer, TSB didn't uphold the complaint.

Mr M wasn't satisfied with TSB's response, so he referred his complaint to this service. One of our investigators looked at this complaint. But they also didn't feel that TSB could be considered to have acted unfairly here, and so they also didn't uphold the complaint.

Mr M remained dissatisfied, so the matter was escalated to an ombudsman for a final decision.

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.

Having done so, I can sympathise with Mr M's position, and it's clear from Mr M's TSB account statements that he did transfer a considerable sum of money to various gambling companies during the time under consideration here.

However, while many financial institutions do offer a service which allows account holders to put a voluntary block which prevents transfers being made to gambling companies, TSB have confirmed that they don't such a service. And neither are they under any requirement or obligation to do so.

As such, given the impartial nature of this service, I don't feel that I can fairly or reasonably uphold this complaint against TSB. Because if I were to do so, I would in effect be censuring TSB for not providing a service they were neither obliged nor had chosen to provide.

It's also important to recognise that the types of gambling blocks provided by many financial institutions are voluntary in nature, meaning that it's up to the account holder to implement the gambling block, and also that the account holder retains the option to remove the gambling block should they want to do so.

As such, I feel that while these voluntary gambling blocks do provide a degree of support for account holders who have a gambling addiction, they don't provide any guarantee that the

account holder won't disable the block in order to continue making transfers to gambling companies. And consequently, even had TSB had a voluntary gambling block facility in place, I don't feel that this would have necessarily meant that Mr M definitely wouldn't have made the transfers to the gambling companies, given that he would always have retained the option to disable the gambling block.

I'm happy to hear that Mr M has now received support from various sources and has been able to control and hopefully conquer his gambling addiction. And I note that TSB have made a note of Mr M's gambling addiction and have indicated that they are considering providing a voluntary gambling block facility in the future. But I don't feel that TSB potentially offering such a facility in the future does imply any past unfair treatment of customers with gambling addiction because of TSB's not offering that facility in the past. And this is because, as explained, TSB were under no obligation to provide such a facility.

I'm aware that Mr M feels that TSB should have monitored his account more closely, and that many of the larger deposits he made to gambling companies should have been flagged as unusual by their systems. But banks such as TSB generally don't monitor customers accounts in the way that Mr M suggests here. Instead, banks generally employ automated systems to monitor accounts for signs of potential fraud or other forms of financial crime. And transfers to companies, including companies involved in gambling, generally won't trigger or alert such automated fraud prevention systems.

Finally, I note that TSB have advised that they had no record of Mr M's gambling addiction prior to November 2021, when Mr M raised his complaint with them. However, it's clear from an internal note dated 4 November 2020, that a TSB agent had recognised that there were a large number of gambling transactions present on Mr M's account.

I feel this was a lost opportunity for TSB, and that TSB could have potentially done more to assist Mr M at that time, including referring Mr M to the support that he has now thankfully received. But I also feel it must be recognised that the options available for TSB to have provided support at this time were limited, given that they didn't offer a gambling block facility. And while I feel that it would have been best practice for TSB to have spoken with Mr M about the gambling transactions present on his account when they were first recognised by them in November 2020, I don't feel that it can be conjectured with any reasonable degree of certainty that Mr M would necessarily have stopped making the transfers to gambling companies, had TSB spoken to him about them at that time.

All of which means that, while I do empathise with Mr M personally, I don't feel that I can fairly or reasonably uphold this complaint against TSB in this instance. And this is because, ultimately, TSB didn't offer the service, and weren't obliged to offer the service, that Mr M is complaining about not having received.

I realise this won't be the outcome Mr M was wanting, but I hope that he'll understand, given all that I've explained, why I've made the final decision that I have.

My final decision

My final decision is that I do not 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 24 October 2022.

Paul Cooper
Ombudsman