

The complaint

Miss C complains that, having had a gambling block put in place for her online account, National Westminster Bank Plc (NatWest) allowed her to carry out gambling transactions.

What happened

Miss C is a compulsive gambler for which she has sought treatment and interventions. I understand that she contacted NatWest some time in 2020 and some time later she set up a block on her online account so that she couldn't carry out gambling transactions. She believed it would stop all gambling activity. She managed to keep clear of gambling for a year, but in March 2023 she gambled over three days and spent over £1,100.

Miss C contacted NatWest to ask why the payments were not blocked. The payments were made through an online payments company. NatWest explained that it cannot block this type of payment without suspending access to its online service. It offered to arrange for that to be done on Miss C's confirmation that she'd like it to do this. It further said that when making payments like this via its online or mobile services, there are a number of screens the customer has to go through and questions that have to be answered before the payment is processed. This is designed to give thinking time/breathing space before completing the payment. It acknowledged that where someone is determined to gamble, this process alone will not be a sufficient deterrent.

Miss C remained unhappy as she thought all gambling transactions were blocked. She used the online account for transferring money into or from another account, so it would cause difficulty for her to block the online account altogether. She believes that NatWest should be able to block payments to certain companies as she understands another bank does. The money she spent/lost was to help with her disabled father's rent and care. She believes NatWest should refund that money.

On referral to the Financial Ombudsman Service, our Investigator said that she could not hold NatWest responsible when it exercised the options available to it to try and support Miss C and she had been able to gamble using other means.

Miss C was unhappy and felt that if NatWest was unable to block gambling transactions it shouldn't have promised her that it could.

The matter has been passed to me for further consideration.

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.

Where the evidence is incomplete or contradictory, as some of it is here, my decision is based on what I consider in my opinion is most likely to have happened.

Miss C tells us that she contacted NatWest about her gambling problems sometime in 2020.

Unfortunately NatWest doesn't have case notes or call notes about what was discussed at the time. And I understand that she believes that NatWest assured her it would be able to stop all gambling transactions. I think I can say that Miss C was told that NatWest offered a service through its banking app that enabled customers to block gambling transactions. But I simply can't say that Miss C was told this meant all gambling transactions would be able to be stopped.

From reviewing Miss C's statements that NatWest has provided to us, it appears that Miss C carried out gambling transactions, using her debit card, frequently up until December 2021. So that means that she must have switched on the gambling block on her account around about that time, but a long time after she said she'd been in contact with NatWest. Regrettably because the evidence about Miss C's contacts with Nat West is so vague, I'm not able to reach a conclusion that NatWest told her that she would be able to block all gambling transactions.

Rather, it appears the system can block gambling payments made with the debit card but online payments, ie those made by direct transfer, will not be blocked. This is particularly the case with the payments Miss C was able to make to gambling companies as they were made through an online payment service which wouldn't be recognised by NatWest as a gambling transaction.

I appreciate that Miss C is in a difficult position and respect her honesty in disclosing her addiction. But having regard to the evidence I think NatWest told her about the gambling block but I can't reach a conclusion about her allegation that she was told that it was able to block gambling transactions wherever they are made. The system is an automated one which relies on blocking certain codes when the card is used and in this case will not block direct online payments.

Miss C carried out her gambling transactions on three successive days. And she spent successively larger amounts on each day. So she would have known after the first day payments were not being blocked. And, as NatWest has said, the system requires the customer to come through a number of screens before the payment would be made. But it won't stop someone who is able to gamble using other means.

I'm really sorry that Miss C lapsed when she had been so determined to stay free of gambling. But I can't find that NatWest is responsible for her losses. Also I understand that NatWest can't block particular transactions without suspending access for Miss C to her online account altogether. If that is the system it has, then there is no point in me directing it to block particular payments.

My final decision

I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss C to accept or reject my decision before 18 January 2024.

Ray Lawley
Ombudsman