

## **The complaint**

Mr Q complains National Westminster Bank Plc ('Nat West') changed his preference to receive paper statements without his consent.

## **What happened**

Nat West emailed Mr Q in February 2024 and explained it had decided to only make bank statements available through its on-line banking system from March. Nat West said Mr Q could switch back to paper statements by logging into his on-line account and choosing to opt back into paper statements in March. Mr Q says he logged into his account in March but that his preference for paper statements wasn't actioned or Nat West changed it.

When Mr Q complained Nat West said it had provided notice of the change to how it provided statements and had said Mr Q could change back to paper statements if he didn't want paperless statements. Nat West explained it had no record of Mr Q opting to receive paper statements until May, and that it hadn't changed the preferences Mr Q says he completed in March. Nat West didn't uphold the complaint.

Mr Q brought the complaint to the Financial Ombudsman Service where one of our Investigators looked into things. Our Investigator thought that Nat West hadn't done anything significantly wrong as it had made a business decision, communicated the decision, and acted in-line with its Terms and Conditions. Mr Q asked that an Ombudsman decides the complaint.

## **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.

Mr Q has strong views that Nat West shouldn't have changed its system from paper to paperless statements without his specific consent. However, although Mr Q will be disappointed, I've decided that Nat West didn't do anything significantly wrong in this particular case. I've noted Mr Q's comments that in a similar case involving a family member and Nat West the outcome Nat West provided was different. That may be the case, but I've been asked to decide on whether Nat West treated Mr Q fairly and my decision is based on the circumstances of Mr Q's complaint.

The crux of Mr Q's complaint is that Nat West changed the terms and conditions of his bank account without his consent. Section 11 of Nat West's terms and conditions for the account deal with the changes Nat West can make and how it can make them. Nat West terms and conditions say, "*We can make changes to this agreement if we have a valid reason.*"

Nat West says that if it introduces a new service, it must give notice of this change, and that this can be served by email, post, or secure message. In this case I'm satisfied Nat West emailed Mr Q on 5 February of its intention to change to paperless statements. Of course, I can't say that Mr Q saw this email, but I'm persuaded it was more likely than not delivered to Mr Q as it was sent to the email address on his account. Nat West's email explained that if

Mr Q didn't want to retain the switch to paperless statements, he could:

*“switch back to paper statements and letters by logging in to Online Banking and choosing ‘by post’ in ‘paperless settings’ (it’s in the lefthand menu). Please make sure you do this for any accounts you want paper documents for. Alternatively, go into a branch or give us a call on ... to let us know. We’ll be happy to help.”*

Nat West provided a valid reason for making the changes and explained that paperless bank statements would help reduce carbon emissions. Nat West referenced what information it had used to reach this conclusion. Mr Q does not share this view, but I can't tell a business what its processes should be, that is a matter for the Financial Conduct Authority who regulates Nat West. However, I can consider if Nat West treated Mr Q fairly and whether its communications were clear and not misleading. In this case, I'm satisfied Nat West clearly explained what changes it intended to make and what action Mr Q could take to retain paper statements - if that was his preference. And I think Nat West made it relatively easy for Mr Q to opt back in to paper statements – either on-line, by telephone or at a local branch. So, I don't think Nat West treated Mr Q unfairly in the circumstances of this case.

Mr Q says he changed his preference back to paper statements in March but didn't receive the next statement by post. Nat West has provided an audit record of Mr Q's account and I've not seen any change of statement preference during March. I've seen that Mr Q logged into the account on 4 May and turned on the paper statement option, but there's nothing that persuades me that this option was selected by Mr Q before 4 May. As there is no entry within Nat West's audit showing any changes in Mr Q's preference until this time, I consider it's more likely Mr Q didn't change the preference until 4 May. And, similarly, as the audit record shows no change before this date, I consider it most unlikely Nat West made any change.

### **My final decision**

For the reasons above, I've decided that National Westminster Bank Plc didn't do anything significantly wrong.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr Q to accept or reject my decision before 6 August 2024.

Paul Lawton  
**Ombudsman**