

## The complaint

Mr M is unhappy with the service he has received from Clydesdale Bank Plc trading as Virgin Money.

## What happened

Mr M says he has experienced several issues with Virgin Money's mobile banking application (app) and his account card. He also unhappy about a letter he received. For clarity, I'll list the points raised within Mr M's complaint form dated 23 May 2024.

1. Being unable to log into the app to make an urgent payment on 8 November 2022.
2. The account balance and transactions shown in the app didn't tie up on 22 August 2022.
3. Receiving an error message when logging into the app on 10 December 2022.
4. Receiving a letter in April 2023 saying the account would be closed.
5. Being unable to use the account card in June 2023.
6. Being unable to log into the app on 7 September 2023 for several hours

Mr M has provided evidence in support of these events and says the problems have severely inconvenienced him and Virgin Money hasn't taken his concerns seriously.

When responding to our request for its complaint file, Virgin Money told us that complaint points 2 and 4 had already been referred to this service under separate complaint reference numbers. It added that it had also responded to point 5 in June 2023. And while that complaint had not been referred to this service before, Mr M was now out of time to do so as more than six months had passed since it had given Mr M referral rights to this service.

In respect of points 1 and 3, Virgin Money said that that due to the time which had elapsed it was unable to investigate into what had happened. But it said it records showed Mr M successfully logged in on 7 September 2023 – complaint point 6.

Our investigator looked into what had happened and he agreed with Virgin Money that complaint points 2 and 4 had been looked at separately by this service and he explained that - as a result, he couldn't review them again under this complaint reference. In respect of the complaint points he could consider, the investigator thought Virgin Money hadn't been unreasonable in saying it was too late to investigate given the time which had elapsed.

Mr M didn't agree. He said using the time that had passed since the events had happened is just an excuse. And that the investigator had referenced complaint points he hadn't referred to this service within this complaint. He provided a list of other complaint points that he says should have been included within this complaint.

The investigator provided Mr M with a copy of the complaint form dated 23 May 2024 which relates to this complaint reference. And he said the complaint points he'd referred to were

consistent with the points raised in the complaint form. So, he didn't alter the outcome he had previously reached.

Mr M referred to a call with Virgin Money on 10 November 2023 that he says was addressed in the final response which relates to this complaint. Having looked into this, the investigator explained that the complaint about this call had already been addressed by this service under a different complaint reference – so not something he could address. He also said the other complaint points Mr M had since referred to weren't points that could be included in this complaint as they weren't referenced in his complaint form dated 23 May 2024.

Mr M didn't agree – he said he didn't understand why his additional complaint points couldn't be considered. He asked for the complaint to be escalated, so it's been passed to me to decide.

### **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 reached the same overall conclusion as the investigator – in that I do not uphold this complaint. But I will provide some additional context below.

Firstly, I think it's important to set out the scope of my decision.

It's clear that Mr M has experienced several issues when dealing with Virgin Money and has raised several complaints with it - many of which have already been considered by this service. And having read the final response letters on some of these complaints, it's also clear that some complaint points Mr M has referred to in this complaint overlap with other complaints he has raised.

In this decision, I can only address complaint points that have not already been considered by this service. I've looked at what Virgin Money has said, the complaint form Mr M submitted to this service on 23 May 2024, and the previous complaints Mr M has referred to this service. And I agree with the investigator that points 2 and 4 – and the additional complaint about a call on 10 November 2024 have already been addressed by this service under separate complaint reference numbers – the reference numbers for those complaints have already been provided to Mr M by the investigator. Therefore, I make no findings in relation to these points within this decision.

With regard to complaint point 5. Virgin Money has acknowledged that this complaint hasn't been referred to this service before. It says this matter was resolved in June 2023. But it did provide referral rights to this service in a follow up letter dated 6 June. 2023. It added that Mr M is now out of time to refer this issue to this service. Virgin Money has provided this service with a copy of this letter, and I've seen it explained that Mr M had six months to refer the matter to this service if he was unhappy with the outcome and that this service didn't have its permission to consider the complaint if it was referred outside of this time limit. As Mr M didn't refer the complaint point to us until May 2024, I make no findings on this complaint point in this decision.

Following the investigator's review of Mr M's complaint, Mr M said he had other concerns about the service he has received from Virgin Money. And his expectation was that these additional concerns should be investigated within this complaint. Here I also agree with the investigator, I'm satisfied these additional points were not included in the complaint form dated 23 May 2024 and I've seen that Mr M has said himself that he had overlooked them when submitting the complaint. If Mr M has already received a final response from

Virgin Money on these points, he may be able to refer them to us. But that is something that will be dealt with separately – so I make no findings on these issues within this decision.

So, for clarity, this decision relates to complaint points 1, 3 and 6.

With regard points 1 and 3 Virgin Money has said that too much time has elapsed for it to investigate. Our investigator agreed. But I don't entirely agree with either Virgin Money or the investigator.

Mr M has provided evidence - screenshots from 8 November 2022 and 10 December 2022 showing Mr M received a message saying, '*making payments is currently unavailable on the app*'. And, in relation to point 6, he's also provided a screenshot from 7 September 2023 saying, '*the banking app is currently unavailable*'.

So, while I accept that it may be difficult for Virgin Money to establish the cause of the issues Mr M experienced in 2022 now, and it has shown that Mr M was able to access the app on 7 September 2023, I am satisfied Mr M did experience some issues on the dates involved. However, this in itself doesn't mean that Mr M's complaint should be upheld or that compensation is due. And I don't find compensation is due here.

We're all inconvenienced at times in our day-to-day lives – and a certain level of frustration and minor annoyance is expected - especially when using today's technology. For me to make an award I'd need to see that the impact of what happened here is more than someone would expect to experience as part of everyday life, when using a banking app or on-line banking. I've noted that Virgin Money's website says that its on-line services can be temporarily unavailable – which I don't find to be unusual. And that other methods of making payments etc. are available – for example, via telephone banking. Overall, I haven't seen enough evidence to persuade me that the problems Mr M experienced went on so long or caused significant inconvenience to the extent compensation is due.

So, while I'm sorry to disappoint Mr M, I'm not going to tell Virgin Money to take any further action in respect of this complaint.

### **My final decision**

For the reasons given above, 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 13 January 2025.

Sandra Greene  
**Ombudsman**