

The complaint

Mr J complains that he is owed money by Lloyds Bank PLC (Lloyds).

What happened

Mr J had a fixed rate bond from Cheltenham & Gloucester (then a subsidiary of Lloyds). On 29 May 2013, it was closed (balance £31,966.51) and a cheque sent to Mr J. On 6 June 2013, Mr J called Lloyds to say the cheque hadn't been received. Lloyds 'stopped' the cheque and reissued another one.

Mr J complained. In December 2022, he found Lloyds' original letter dated May 2013, containing a cheque for the amount concerned. He said he hadn't received the second cheque after the first one was cancelled. He was therefore missing more than £31,000. He wasn't happy with Lloyds' response to his complaint.

Lloyds said their records showed the first cheque was cancelled, and a new one sent to Mr J. But the information they had after the period of time involved was limited.

Mr J brought his complaint to us and our investigator didn't uphold it. She said there was limited information available, given the passage of time. So – Lloyds couldn't say what the replacement cheque number was, its date, nor whether it had been cashed. But on balance, she said it's reasonable for Mr J to have got in touch with Lloyds again at that time if the second cheque hadn't been received. She noted that Lloyds said that Mr J had several other bank accounts and wondered if the cheque had been credited to one of those.

Mr J didn't agree. He said an organisation of the size of Lloyds should have better records, even after ten years. He asked that an ombudsman look at his complaint, and so it has come to me to make 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.

Where the information I've got is incomplete, unclear or contradictory (as some of it is here) I must base my decision on the balance of probabilities. That is – what's more likely than not to have happened in all of the circumstances here, based on the available evidence. And here - Lloyds can't show whether the second cheque sent to Mr J was presented for payment and cashed. That's because of the time that's elapsed since.

I can see from Lloyds' records that Mr J had a fixed rate deposit which was closed in May 2013. I can further see that a cheque was sent out to him on 29 May 2013 - for the balance of the deposit.

Lloyds' records show:

- a cheque for the balance of the deposit was sent out to Mr J on 29 May 2013 - for

£31,966.51.

- Mr J called them on 6 June 2013 to say the cheque hadn't been received.
- On 6 June 2013, Lloyds sent a replacement cheque, and cancelled the first one.
- On 10 June 2013, Mr J called Lloyds again to say the replacement cheque hadn't been received. Lloyds asked him to wait another day for it to be delivered.
- There are no further records after 10 June 2013 about this issue.

Mr J told us that he was looking after his mother (who lived a long way away) at the time and his attention was therefore deflected. I've considered that when considering his complaint.

But – it seems to me, based on the balance of probabilities, that the second cheque was received by Mr J – at some point after 10 June 2013. I say that as he was clearly engaged in tracking the receipt of the funds – as shown by the calls to Lloyds at the time. So it seems reasonable to assume that he would've contacted Lloyds again if the second cheque hadn't been delivered. But – there's nothing in Lloyds' records to show he did so, and therefore, I think it's reasonable for me to conclude the cheque was received by Mr J.

I can see that Mr J feels strongly about his complaint and will therefore be disappointed by my decision. But – I'm not going to ask Lloyds to do anything here.

My final decision

I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 26 September 2023.

Martin Lord
Ombudsman