

## **The complaint**

Miss N complains that West Bromwich Building Society, trading as the West Brom, have lost her funds, having closed her passbook savings account without her permission.

## **What happened**

Miss N has a West Brom savings account passbook which, when it was last updated on 28 December 2012, showed a balance of £47,493.31.

On 18 November 2022, Miss N visited West Brom to withdraw her savings and was informed that the account had been closed on 11 October 2013.

Miss N is shocked and distressed and doesn't understand how her life savings have been lost. She says she hasn't withdrawn any funds or provided any closure instruction, and the account is only accessible with the passbook which she has in her possession.

Miss N complained to West Brom requesting a refund of her funds together with interest.

West Brom said they wouldn't have closed the account if there were funds in it. They explained that an account can be closed without a passbook, and they no longer hold any information on Miss N's savings account as more than seven years has elapsed since the account was closed.

Miss N complained to our service. However, our investigator said there was insufficient evidence to suggest that West Brom had acted improperly and, based on the limited information available, he was satisfied the closure of the account and the transfer of the balance must've been made by Miss N.

As Miss N remains dissatisfied, this case has now been referred to me to look at.

## **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'm not upholding this complaint and I'll explain why.

Miss N has concerns and questions about West Brom's policy, procedures, processes and systems, so I should first explain that we aren't the regulator of the financial services industry.

Also, we don't have powers to interrogate business systems or records and it is Miss N's prerogative to do a subject access request. We do though have a mandate to resolve complaints in an informal way, asking both parties to submit evidence and arguments.

Our role is to consider the submissions presented by both parties and, where we think a business hasn't acted fairly and / or reasonably in the circumstances, to decide what should be done to put right any financial, or non-financial losses that a consumer has experienced.

In cases where information is incomplete (as it is in this case), inconsistent or contradictory, I must reach my decision on the balance of probabilities – in other words, what I consider most likely to have happened in light of the available information.

Although Miss N has submitted an 'appeal' document, which is very helpful, the role of an ombudsman is to look at all details of the complaint afresh, and then make a final decision.

Having made further enquiries and considered all the information on file, I've seen evidence that West Brom have completed a search of its records and systems, and I'm satisfied they've made reasonable attempts to find out what happened to Miss N's funds, as I'd expect them to do in this situation.

Due to their data retention policy and the passage of time, West Brom's system search only shows a nil balance with an annotation saying 'account deleted by housekeeping process'. West Brom explain this annotation refers to a deleted account which has been closed for more than seven years. I've also seen a record that says 'Cheques/Transfer 17/10/2013' and West Brom have explained that this means they would've transferred the funds or issued a cheque to Miss N.

Unfortunately, West Brom do not have information, including process timeframes, on the cheque or details as to which account the funds were transferred. I recognise Miss N's frustration at the limited records West Brom hold. Also, that there is no evidence the funds were transferred to an account in her name or information on the procedure and process used in 2013.

Miss N believes that the passbook is evidence that the account is still open. But the passbook is not enough for me to be able to conclude that the account is still open or that any money remains in it. This is because the last entry on the passbook is only evidence of the account balance on 28 December 2012 and West Brom have explained this doesn't mean that the funds were not withdrawn after that date. This is because funds can be withdrawn and / or closed by cheque or transfer without a passbook.

I understand Miss N thinking a fraud could've occurred here and recognise her points about how, because she hadn't provided security information, it wouldn't have been possible to withdraw her funds without the passbook. However, again due to the passage of time and West Brom's lack of records, account information including contact and security records are not available.

I looked closely at Miss N's submissions including a full copy of her passbook.

Although I understand Miss N's job means she is often away from home, considering how close she lives to a West Brom branch, interest was specifically added in the first year of the account (which is the only full year showing prior to 28 December 2012), she didn't receive any correspondence from West Brom (rate change mailings and yearly AGM mailing which West Brom say they would've send out) or enquire about a balance which would have been increasing each year, I would've expected her, even with a passbook account which does have a "different engagement model", to have checked on her account in the years prior to 2022.

Whilst I understand this will be very disappointing news for Miss N, when considering all of the above, I'm not persuaded that West Brom have done anything wrong here and, on balance of probabilities, I think it more likely that Miss N withdrew the funds in 2013. So, I'm not upholding this complaint.

**My final decision**

For the reasons explained above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss N to accept or reject my decision before 20 November 2023.

Paul Douglas  
**Ombudsman**