

The complaint

Mr K on behalf of the estate of Mrs K complains that RCI Bank UK Limited trading as RCI Bank UK ("RCI") lost the death certificate of the late Mrs K because it sent it to the wrong address. Mr K is also unhappy that RCI didn't advise him at the outset of the need for a grant of probate to deal with Mrs K's account.

What happened

Mr K advised RCI over the phone of the death Mrs K and in response to a letter from RCI on 8 February he sent it Mrs K's death certificate but asked for its urgent return as it was needed for other authorities.

Mr K phoned RCI on 17 February chasing the death certificate. During this call Mr K was advised that a grant of probate was required to deal with Mrs K's account. Mr K was unhappy with this as he wasn't told this at the outset which meant he would need to acquire an additional copy. Mr K was also advised the death certificate was received on 10 February and would take 3-5 working days to be processed before being returned. Mr K says he was told RCI was waiting for a tracking number and would call him back but failed to do so.

Mr K complained to RCI. An advisor from RCI called Mr K to find out more about his complaint on 21 February and agreed to open a formal complaint.

On 28 February Mr K had a number of conversations with different people at RCI where he expressed his concern about receiving back the death certificate and the difficulties RCI were having tracking it.

Following some investigation into the issue Mr K received RCI's final response to his complaint on 3 March. RCI said it followed its process in asking for a grant of probate and didn't uphold that part of Mr K's complaint. But said it made an error in the posting of the death certificate in the return address – the first line of the address was missing as this was the address Mr K had provided and due to a keying error the wrong address had been selected, but the postcode was correct.

RCI says it sent the death certificate by recorded delivery and it was signed for by someone with exactly the same initials as Mr K on 24 February. It offered £40 compensation for its mistake and continues to look for the certificate.

Mr K says that the signature isn't his and that he hasn't received the death certificate back and brought the complaint to this service.

One of our adjudicators looked into Mr K's concerns and reached the conclusion that RCI hadn't done anything wrong regarding its advice around obtaining a grant of probate as it hadn't yet received evidence Mrs K had died and as this was the process it followed it had done nothing wrong. They agreed there had been an error in the address RCI had posted the death certificate back to, but felt that this had had a relatively minor impact on Mr K and thought the £40 offer of compensation was fair.

Mr K was dissatisfied with this, he wants RCI to admit liability and doesn't believe the £40 offered compensates him for all the time he spent trying to resolve the matter. He wants £500 and has asked for an ombudsman's 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.

I hope that Mr K won't take it as a discourtesy that I've condensed the complaint in the way that I have. Ours is an informal dispute resolution service, and I've concentrated on what I consider to be the crux of the complaint. Our rules allow me to do that. And although Mr K wasn't happy that RCI didn't inform him of the need for a grant of probate at the outset, the crux of his complaint is regarding the loss of a death certificate – so the focus of my decision will be on that.

That being said it might help if I explain, we are not the regulator, I cannot make RCI change its policies or procedures – or tell it what processes it has to have in place for a bereaved customer or how it deals with an account on notification of a customer's death. And as such, I can't say the point at which RCI informed Mr K about the need for a grant of probate was wrong – it was just following its process.

This service doesn't supervise, regulate or discipline the businesses we cover – that's the role of the regulator, in this case the *Financial Conduct Authority*. We offer an informal dispute resolution service and my role in this case is to look at the problems the consumer (in this case the estate of the late Mrs K) has experienced and see if RCI has done anything wrong or made a mistake. If it has, I would seek – if possible - to put the consumer back in the position they would've been in if the mistakes hadn't happened. And I may award compensation that I think is fair and reasonable if I consider it warranted.

RCI has already accepted that it made a mistake when keying in the return address for the death certificate and this has resulted in the death certificate being lost. So I don't need to make a finding on this point. Though I think RCI took reasonable steps to ensure the safe return of the death certificate by sending and paying for it to be returned by recorded delivery. It is unfortunate in the keying error that occurred, but I think it has to be accepted that sometimes things don't go smoothly and mistakes do happen. RCI has offered £40 compensation for this. Mr K is unhappy with this, he wants the death certificate returned and £500 compensation.

RCI says it continues to look for the death certificate, but I think too much time has passed and I think it has to be accepted the document has been lost and there is no reasonable or practical solution for getting it back. I appreciate this is most unsatisfactory for Mr K and he spent a lot of time chasing this. But I note that it is possible for him to get a replacement death certificate without too much trouble or cost. And I do think Mr K has to take some steps to try to mitigate the problem.

I also haven't seen that the estate has suffered any financial loss from the loss of the death certificate – and as the estate is the eligible complainant here, I can't award any

compensation for suffering or distress. Nor – as I've stated about - is it my role to punish or penalise a business for its mistakes.

So taking everything into consideration, I think the £40 compensation is fair way to settle this complaint for the administrative inconvenience caused to the estate by the loss of the death certificate.

So it follows that I'm satisfied that RCI has already done enough to put things right for the estate of the late Mrs K and I'm not going to ask it to do anything more.

My final decision

For the reasons I've explained I've decided what RCI Bank UK Limited has already offered to settle the estate of Mrs K's complaint is fair.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mrs K to accept or reject my decision before 27 November 2023.

Caroline Davies
Ombudsman