

## **The complaint**

Mrs B's complained – on behalf of her mother, Mrs P, and her late father, Mr P's estate – that Co-op Funeral Plans Limited won't provide a refund for a pre-paid plan bought before she knew her parents had previously bought a joint plan.

## **What happened**

Mrs B holds lasting power of attorney for Mrs P and held one for Mr P in his lifetime. In 2011, acting as their attorney, she bought a pre-paid funeral plan for each of her parents, and paid £2,824 and £2,947 respectively. Mr P sadly died in 2012 and his funeral was provided in accordance with the terms of his plan.

At around this time, Mrs B found a receipt for £1,500 in her father's papers. The receipt was attached to a compliments slip from the Co-operative funeral service, on which was typed "*£1,500.00 pre-payment cert. Paid*". Mrs B understands this to be a receipt for a joint funeral plan bought by Mr P for himself and Mrs P in 2001.

Mrs B contacted Co-op as she wanted to be able to rely on the 2001 plan to cover the cost of Mr P's funeral, to provide Mrs P's funeral when the need arises and to cancel the plans she bought in 2011. However, Co-op were unable to find any details of a plan purchased by Mr P and think it was cancelled.

Mrs B complained. Co-op responded, confirming that joint plans only provided a funeral for one or other of a couple – so if there was a such a plan in place, Mrs B would still have to pay for the other funeral. And Co-op said searches of their records hadn't found details of a joint plan. So they thought it was no longer active.

Mrs B wasn't satisfied with Co-op's response and brought the complaint to our service. She says the receipt she's produced is clear evidence that a plan was bought in 2001 as there would be no other service it could relate to.

Our investigator considered the complaint and concluded Co-op didn't need to do any more to resolve it. He said that, if the joint plan still existed, he'd expect Co-op to have a record of this. He was satisfied they'd made thorough searches of their records but there was no trace of the plan. In the circumstances, he thought the most likely explanation was that the 2001 joint plan had been cancelled at some point before 2011. And he explained that, given that at least 12 years had passed since then, it was reasonable that Co-op no longer held records relating to the plan.

Mrs B didn't agree with the investigator's view. So I've been asked to make a 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.

Having done that, I'm not upholding the complaint Mrs B's made on behalf of Mrs P and Mr P's estate. I know Mrs B was hoping for a different outcome and I'm sorry she'll be

disappointed. I hope explaining my reasons will help her understand why I've reached my decision.

I understand why Mrs B complained. But I can only say Co-op should do more to resolve that complaint if I'm satisfied they did something wrong. And I don't think the available evidence shows they did.

Like our investigator, I'm satisfied the receipt provided by Mrs B shows that Mr P bought some type of pre-paid funeral plan in 2001. But there are no other documents available showing key information such as the details of the arrangements made, or a plan or certificate number.

I understand Mrs P was very sadly burgled at some point and Mrs B says additional documentation was lost in the burglary. That has made it difficult for Co-op to search their records. Nonetheless, I'm satisfied they've done so, and haven't been able to trace a live plan for Mr and/or Mrs P dating from 2001.

Mrs B's position is the receipt clearly shows a plan was bought. And she says she never received a refund while acting as Mr P's attorney. I accept her testimony on both these points.

But there were approximately ten years between Mr P's purchase in 2001 and Mrs B buying plans for her parents in 2011. And people do choose to cancel the plans they've bought. I think it's quite possible that the plan was cancelled at some point in this period. I don't think it's reasonable to say that the existence of a receipt alone shows a plan still exists.

And I agree with our investigator that, given the searches Co-op have made, the most likely explanation why they can't trace a plan dating back to 2001 is that it's been cancelled. Mrs B understandably wants to know exactly when it was cancelled and by whom. But businesses must comply with data protection legislation and not keep records for individuals unless they have a reason to do so.

As it seems most likely the plan was cancelled at least 12 years ago, I can't say it's unreasonable for Co-op not to have a record of cancellation now. I'm satisfied they've searched their records and relayed their findings to Mrs B. I don't think they need to do any more to resolve this complaint.

### **My final decision**

For the reasons I've explained, I'm not upholding the complaint Mrs B's made about Co-op Funeral Plans Limited on behalf of Mrs P and the late Mr P's estate.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs P and the estate of Mr P to accept or reject my decision before 13 December 2023.

Helen Stacey  
**Ombudsman**