

## **The complaint**

Ms H as Executrix of the late Mr H's estate complains that Leeds Building Society ("LBS") can't locate an account for the late Mr H and the service she received from it when enquiring about his accounts. Ms H wants LBS to pay out the funds of the account she believes it holds.

## **What happened**

While clearing out her late husband's belongings Ms H found some paperwork regarding historical accounts Mr H held, some of which were with LBS. One account - number ending 3883 – Ms H says was opened in October 2011 and matured in November 2013 holding around £26,000. Around a month before the account matured Mr H went into hospital and sadly died a few months later.

Ms H contacted LBS to see if it held any dormant accounts for Mr H. Before it provided this information it requested a copy Mr H's death certificate. Ms H provided this, but LBS failed to respond. Ms H complained.

LBS accepted it made an error by not responding, apologised and compensated Ms H £100 as a gesture of goodwill. LBS confirmed that although it found some closed accounts for the late Mr H the proceeds of which were paid out by cheque, but it couldn't find account ending 3883. LBS suggested that the account might be held elsewhere as it doesn't hold accounts with letters in the account number and that historically, there were some products offered by LBS where the funds were held with another provider, the details of which were given to Ms H.

One of our investigators looked into Ms H's concerns but didn't think there was any evidence showing that LBS held any funds for the late Mr H and so didn't think LBS was holding the funds in question. They agreed that LBS had a minor service failing but thought the £100 gesture of goodwill payment was fair and that there wasn't anything more for LBS to do.

Ms H disagreed, she believes it's possible that a staff member took the money from a dormant account and has asked for an ombudsman's decision on the matter.

## **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.

It might help if I explain that my role is to look at the problems Mr H's estate has experienced and see if LBS has done anything wrong. If it has, I would seek – if possible - to put Mr H's estate back in the position it would've been in if the mistakes hadn't happened. And, where there's a dispute about what happened – as in this case – I'll base my decision on what I think is more likely to have happened in light of the evidence.

And having considered everything, I'm in agreement with our investigator there isn't enough evidence to persuade me that LBS are holding funds belonging to the late Mr H's estate.

LBS have searched its records and provided us with screenshots of this showing it can't trace the main account in question. Nor is there any sign of the account or funds of Mr H's being moved to a dormant account – where the funds would remain until someone with the correct authority and proof of ownership claimed them.

I think had the money and the account Ms H says is missing remained unclaimed it would've shown up during the search. I also think LBS would've likely notified Mr H about the status of the account and the unclaimed proceeds – rather than just leave it dormant for over 10 years.

And if the account was still open, I would've expected Mr H to have received items such as certificates of interest or statements relating to the account. Indeed, for tax purposes LBS would've been required to issue them.

So the fact Ms H hasn't been able to show receipt of any further information relating to the ongoing operation of the account suggests to me it is more likely the account was closed on maturity and the money withdrawn or perhaps transferred to another account. I simply haven't seen enough to conclude any other outcome. I understand Ms H believes it is possible a staff member stole the money, but I think this is very unlikely as LBS weren't even aware Mr H had died.

I'm also unable to say LBS have done anything wrong in not holding on to information for more than 6 years – it isn't legally required to do so and it wouldn't be fair to penalise LBS for not holding on to information or being able to produce information for a longer period than it is obliged to.

Finally, I agree that LBS's service could've been better in terms of failing to take action on receipt of Mr H's death certificate. But I don't agree it was wrong to request this. LBS has a duty to safeguard its customers money and therefore I wouldn't expect it to release any information on accounts to people who don't have the correct authority. In this case Ms H held the requisite authority as Mr H's Executrix and next of kin, but LBS needed to see proof of Mr H's death before it could establish Ms H held this authority. It is unfortunate that LBS didn't respond promptly when provided with the death certificate, but I think the £100 compensation is fair for the distress and inconvenience this caused.

So it follows – and I appreciate this will be not only disappointing but also deeply unsatisfactory for Ms H – that as I haven't seen any evidence to show me that LBS still holds any funds for the late Mr H or did something wrong regarding the accounts in question, I do not uphold this complaint.

**My final decision**

For the reasons I've explained I've decided not to uphold Ms H's complaint brought on behalf of the estate of the late Mr H.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr H to accept or reject my decision before 17 April 2024.

Caroline Davies  
**Ombudsman**