

The complaint

The estate of Mrs K complains about Bank of Scotland plc's service, 'confirmation' requirement and costs.

What happened

Following the sad loss of Mrs K, Mrs C contacted Bank of Scotland to close Mrs K's bank accounts.

Mrs C was dissatisfied with the length of time it took to complete the closure. Also, she found information on Bank of Scotland's 'confirmation' policy and process to be lacking and believes the expensive 'confirmation' process which she undertook was unnecessary.

Mrs C seeks compensation for the distress and inconvenience she experienced. Also, a refund of the solicitors' fees Mrs K's estate paid.

Bank of Scotland offered Mrs C £200 compensation; however, Mrs C considers this to be inadequate. So, on behalf of Mrs K's estate, Mrs C submitted a complaint to our service, but this wasn't upheld by our investigator.

As the estate of Mrs K remain 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. I appreciate this will be disappointing for Mrs C and the following are the reasons for my decision.

Firstly, I'd like to express my condolences to Mrs C for the sad loss of Mrs K. Also, I'm very sorry to hear about the distress and inconvenience Mrs C experienced when dealing with Mrs K's financial affairs.

I should first explain that there are limits to our ability to help where a complaint is brought by an estate. This is because there are rules that apply to this service. These are known as DISP rules which are available on-line and they explain who is eligible to complain to this service. So, although Mrs C is entitled to represent Mrs K's estate in bringing this complaint, we can only consider it in terms of the impact on the estate as an entity, separate to Mrs C. And an estate can experience a financial loss, but it can't suffer either distress or inconvenience.

Also, our service can't tell a bank to make alterations to their policies, procedures or processes. This because we aren't the regulator of the financial services industry.

From reviewing the file, I can see that Bank of Scotland do not dispute that they provided an unsatisfactory level of service here. I also note that they recognise the impact on Mrs C, have made apologies and offered compensation.

Whilst I appreciate the impact on Mrs C and understand why she feels the compensation is inadequate, for the reason mentioned above, that an estate can't feel upset, disappointment or distress, I'm unable to ask Bank of Scotland to increase their compensation offer to any administrators of the estate.

I recognise Mrs C's frustration both at Bank of Scotland 'confirmation' requirement and receiving conflicting information. However, from reviewing the file, I'm satisfied Bank of Scotland's policy is that 'confirmation' is required where the account holdings are more than £36,000.

Although Mrs C has information which questions the necessity of their policy, I think this is a reasonable policy considering Bank of Scotland's safeguarding responsibilities. As mentioned above, it isn't the role of our service to tell a bank to change any of its policies. And I'm also satisfied that Bank of Scotland had a procedure and this was correctly applied as Mrs K's account held more funds than £36,000.

Regarding the costs of 'confirmation', I'm satisfied that this was a requirement for Mrs K's estate, and it was the prerogative of the estate to instruct solicitors. I do recognise that solicitors are often instructed due to the time and trouble involved, however it isn't essential. So, whilst I appreciate 'confirmation' comes at a cost to Mrs K's estate, I can't reasonably ask Bank of Scotland to refund any of the costs here.

I know this will be very disappointing but having considered the above and all the information on file I'm not upholding this complaint.

My final decision

For the reasons set out above, I'm not upholding this complaint.

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 7 February 2024.

Paul Douglas
Ombudsman