

The complaint

T, a limited company complains about the level of customer service that a director, Mrs H, received from Bank of Ireland (UK) Plc (BOI).

T is in liquidation but the liquidator consents to Mrs H representing T in its complaint.

What happened

T has a business bank account with BOI. After the death of T's director, Mrs H asked BOI to add her as a signatory to T's account. Mrs H was unhappy to learn that this didn't form part of BOI's deceased customer process. Mrs H was distressed at the process to try and add her name to T's bank account.

BOI apologised and paid £150 compensation for the confusion caused by passing Mrs H between various departments and for the delays dealing with her requests. Mrs H was unhappy with this as she didn't think it reflected the significant emotional upset of trying to deal with matters after T's director – her husband – had passed away. Mrs H is unhappy that BOI failed to provide the highest level of service to its customer as set out in its customer charter.

Our investigator agreed that BOI made some mistakes and that there had been avoidable delays in the process. Our investigator said that BOI told her it could not have amended T's correspondence address until the business mandate was updated, which explained why BOI continued to send statements to the address it held on file. Our investigator noted that BOI has now updated the address so Mrs H should receive statements.

Our investigator didn't think BOI acted unreasonably when it blocked T's account after receiving the incorrect mandate. But our investigator accepted that BOI could have been more proactive and acted more quickly to remove the block allowing credits to the account.

Our investigator explained that T could not feel distress so she thought BOI's compensation award of £150 was fair.

Mrs H is unhappy with the investigation outcome. Mrs H doesn't think the investigator has put enough thought into the issues that she has raised.

Mrs H points out that someone at BOI reviewed the mandate form which she completed incorrectly so should have picked up any mistakes. Mrs H says that BOI not only failed to follow things up but also lost documents that had been hand delivered. Mrs H says that she had already changed the statement address to her home address and that BOI breached data protection regulations by sending statements to T's business address which could have led to fraudulent activity.

Mrs H says that she'd been chasing credits to T's account only to be told it had been blocked and that she should ask creditors to make payments to an alternative account, causing a great deal of unnecessary work.

Mrs H points out that she is a bereaved widow trying to sort out the business affairs of her husband. Mrs H says that although she's not questioning BOI's processes, she is concerned about the level of customer care she received.

Our investigator acknowledged Mrs H's concerns with the investigation outcome but explained that as the complainant is T, not Mrs H – our investigator could only consider the inconvenience caused to T and not the upset felt by Mrs H personally.

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 recognise Mrs H's strength of feeling about this matter. She has provided detailed submissions to support T's complaint which I have read and considered carefully. However, I hope Mrs H won't take it as a discourtesy that I have summarised T's complaint in less detail and that I have concentrated on what I consider to be the key issues.

I know that Mrs H disagrees with our investigator's assessment of T's complaint. But the purpose of my decision is not to address or answer every single point raised. Instead, my role is to consider the evidence and reach what I think is a fair decision.

BOI accepts that it let T down when trying to sort out its bank account and add Mrs H's name to the mandate. BOI has apologised and paid T £150, so I now need to consider whether BOI has already done enough to put things right.

I agree that Mrs H seems to have spent more time than she should have had to when sorting T's bank account and that BOI gave her conflicting and incorrect information. For these failings, I consider BOI's compensation award of £150 is fair. The payment reflects the inconvenience caused to T when Mrs H had to keep contacting BOI – which I assume diverted her away from the business of T. I don't require BOI to pay more compensation as Mrs H explains she was re-appointed as director in a purely administrative role to help wrap the business up. So, the fact that Mrs H spent more time sorting things out didn't, for example, result in T losing out on profit making opportunities. This means I don't consider I need to increase the award of compensation to reflect the inconvenience to T.

Although Mrs H is understandably concerned that BOI continued to send statements to T at its previous address, I don't have any evidence to suggest that this resulted in any loss on the part of T – for example because someone other than T was then able to access its bank account. So, it doesn't change the outcome of my decision.

I don't wish to appear unsympathetic to Mrs H who explains that she found the experience very stressful and damaging to her mental health in the wake of the sad passing of her husband. However, as our investigator has explained, the eligible complainant here is T, which is its own legal entity. I can only consider the impact that any mistake or unfairness may have had on T and I can't make an award to T for any upset that Mrs H has felt personally.

For the reasons I've outlined above, I consider £150 is fair when taken in conjunction with BOI's apology and the fact that the mandate has been successfully changed. I'm sorry that this is likely to come as a disappointment to Mrs H.

My final decision

My final decision is that I don't uphold this complaint in the sense that I consider BOI has

already done enough to put things right.

Under the rules of the Financial Ombudsman Service, I'm required to ask T to accept or reject my decision before 21 December 2023.

Gemma Bowen
Ombudsman