

The complaint

Mrs B complains that Santander UK Plc has been unable to find an account after she presented it with some passbooks.

Mrs B, and her sister, bring this complaint in their capacity as the executors of their late-father's (Mr P's) estate

What happened

The circumstances that led to this complaint are well known to both parties, so I won't repeat them in detail here. But, in summary:

- Mrs B found three linked passbooks when she was sorting out her late-father's estate. These show the account activity between 2003 and 2010 with the last entry reporting a balance of £1,845.16. She presented these to Santander and asked it to release the money, along with interest.
- Santander searched its records but could find no trace of the account. It advised that account records are retained for a minimum of six years and the absence of any records relating to the account indicate it was likely closed (and any money withdrawn) more than six years previously. So it refused to pay out any money. Mrs B didn't accept this and asked us to look into the matter.
- Our investigator concluded that it was more likely than not the money had been withdrawn and the account closed some years ago. Mrs B remained unhappy with this answer, so the complaint has come to me to review.

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.

Where the evidence is incomplete, inconclusive, or contradictory (as some of it is here), I have to make my decision on the balance of probabilities – that is, what I consider is more likely than not to have happened in the light of the available evidence and the wider surrounding circumstances.

I appreciate Mrs B might feel that finding an old passbook showing a balance present on the account must mean the account should still exist and still hold a balance. And that she should be able to withdraw that balance on behalf of her late-father's estate. But I think Santander has done enough to show that the money was, more likely than not, withdrawn and the account closed at some point following the last entry in the passbook.

I say this having taken into account that:

- As explained on Santander's current website, savings accounts are made dormant if there are no transactions for three years, it will try to contact the account holder before

making the account dormant and it participates in the Dormant Assets Scheme. It's my understanding that the same has been true for a number of years. The website also suggests that money in a dormant account will remain the accountholder's so continues to accrue interest and won't be passed to the Reclaim Fund Ltd until 15 years have passed. We have not yet reached the 15-year point in this case – the last accountholder-instigated activity showing in the passbook was in October 2010. In the circumstances, if the account still had money in it then I would expect this to show on Santander's records.

- Santander still has a record of Mrs B's father, with an address that matches the one Mrs B has given us and which she says is the only one he'd lived at. But there are no active or dormant accounts linked to his customer profile.
- The bank has recently provided evidence which indicates the passport account was converted to an account with a sort code and account number and then closed on 2 December 2010 with a balance of £1,846.03 being withdrawn. This is slightly more than the £1,845.16 balance showing in the last passbook entry dated 6 October 2010, indicating that 87p interest was added at closure. This seems in line with the amount of interest that had been added in May 2010.
- I appreciate Mrs B has possession of the passbooks. But passbooks can be mislaid at times and sometimes found at a later date. Account holders are entitled to access their money, so banks usually allow withdrawals to be made without them, even if the passbook says explicitly that it must be presented. In such circumstances the bank will usually verify the accountholder's identity using other methods.
- I've seen nothing to support Mrs B's suggestion that a bank employee has misappropriated her father's money. In all the circumstances, that doesn't seem like the most likely explanation.

I don't feel that the existence of the passbook provides a compelling reason to doubt Santander's position here. And, given everything I've said above, I can't fairly instruct it to pay out the balance that's showing on the most recent passbook, or any interest.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the executors of Mr P's estate to accept or reject my decision before 20 September 2023.

Ruth Hersey
Ombudsman