

The complaint

X and the estate of Mrs M complain about the service she and it received from TSB Bank plc (TSB) when TSB were looking into whether to write off Mrs M's debt.

What happened

In 2015 Mrs M entered a debt arrangement scheme. On 21 November 2018 TSB received a letter from Mrs M's representative (R) notifying them that Mrs M was terminally ill. R asked that Mrs M's debt be written off.

On 29 November R called TSB chasing a decision but TSB said they couldn't discuss the case with her because she was not, according to their records, an authorised representative. R sent over a completed authority form that day, but argued she had in any event already been authorised some while beforehand, and in the light of that raised a complaint.

That day TSB sent an income and expenditure form out to Mrs M so that they would be able to consider writing off the debt when they had her updated financial details.

On 29 November TSB called Mrs M's home and as X (her daughter) picked up the phone they talked to her. R complained about that because she had been instructed and thought TSB should have contacted her, not X or Mrs M.

On 3 December TSB spoke to R and acknowledged there had been errors in their process and offered £100 in compensation to settle the complaint. R said she would contact Mrs M for her instructions. The following day R replied to TSB to say that X had said she was not happy with the redress since the decision regarding writing off the debt had not yet been made. On 7 December TSB told R it would write off the debt.

Ultimately Mrs M passed away on 22 December 2018. TSB carried on with their investigation into the complaint and at the end of January apologised but didn't offer any compensation as Mrs M had since passed away and the complaint was now from Mrs M's estate.

X and the estate of Mrs M were unhappy with TSB's final response and so approached this service to see if we could assist in resolving the dispute. Our investigator thought that TSB hadn't done anything wrong and had dealt with the complaint fairly.

X and the estate of Mrs M didn't agree and asked for the complaint to be passed to an Ombudsman for a final 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.

I am extremely sorry to learn that Mrs M passed away and my condolences go out to X and for what I am sure was a very stressful and difficult time for her.

My role here however is to determine a complaint made by R initially on behalf of Mrs M, although now that she has passed away it is a complaint from X and Mrs M's estate. Additionally, X has her own areas of complaint but those are separate to the estates.

In relation to the initial complaint this was about TSB not discussing with R, Mrs M's account, because it didn't believe she was authorised by Mrs M to do so. As it turned out she was, which TSB accept and have apologised for that. Additionally, there is the issue of Mrs M's request for her debt to be written off, albeit that request was made on her behalf. TSB ultimately dealt with that request by granting it and writing the debt off. So, I must conclude that in that respect they acted fairly. As to the time it took TSB to reach that decision, by my calculation it took 17 days which I think is fair and reasonable. During that time, they were required to consider the request and follow their own internal procedures which included sending out and income and expenditure form and then getting it back to consider. That I think was reasonable, and I can't criticise TSB for attempting to contact their own customers they are entitled to do that irrespective of R being appointed to represent her.

But as this part of the complaint comes from the estate, and as an estate cannot be distressed or caused upset, in terms of impact, these elements have now fallen by the wayside. An estate can be inconvenienced, but when I look at what happened I cannot find evidence of that. The debt was written off and there was a very minor error in not realising Mrs M's representative was authorised when in fact she was. But that issue was resolved the same day, and so I feel the apology offered by TSB is sufficient, especially as the inconvenience was to R and not the estate.

I turn now to the aspect of X's complaint and I can see from her complaint form that what she has done is adopt the same grounds of complaint as those of the estate. In her later correspondence X has mentioned the impact upon herself connected to issues which arose after Mrs M had passed away. But, that is outside the scope of this complaint. In other words that was not what the original complaint was about and so it is not something I can deal with.

So, although X and the estate of Mrs M will probably be disappointed with my decision I can't say TSB has subsequently acted unfairly or unreasonably here and I'm not upholding this complaint.

My final decision

For the reasons set out above I do not uphold the complaint against TSB Bank plc

Under the rules of the Financial Ombudsman Service, I'm required to ask X and the estate of Mrs M to accept or reject my decision before 4 February 2021.

Jonathan Willis

Ombudsman