

## **The complaint**

Mr L is unhappy that Bank of Ireland (UK) Plc sent him a loan statement after promising it would not send any more correspondence regarding a loan that was part of his IVA in 2017.

## **What happened**

Mr L complained to Bank of Ireland in December 2020 about ongoing correspondence regarding a loan that was part of his 2017 IVA. It upheld his complaint, committed to block any further correspondence and paid him £400 to recognise the impact of its error. Mr L did not bring this complaint to our service.

Earlier this year he received an annual loan statement, contrary to Bank of Ireland's previous commitment. When Mr L complained to the bank it initially said it was unable to find on its systems that further correspondence had been sent. Mr L brought his complaint to our service. The bank then confirmed that it had sent Mr L an annual loan statement, as whilst all other correspondence had been blocked, statements hadn't. It corrected this error.

Our adjudicator upheld Mr L's complaint. He said it was clear there had been a bank error and so Bank of Ireland must write to Mr L to apologise, confirming what it has done to ensure there will be no further correspondence.

Mr L asked for an ombudsman's review. In summary, he questioned if an apology was the right resolution, saying the impact of the bank's repeated failures over five years is significant. The continual harassment has caused him stress and inconvenience, and impacted his family life. He also asked why the bank's own investigation failed to show it had sent the annual statement.

## **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 am upholding Mr L's complaint. I'll explain why but first I want to make clear what the remit of this decision is.

I cannot consider the correspondence sent prior to the loan statement, nor the impact it had on Mr L, as this was the subject of Mr L's complaint to the bank in December 2020. I note he accepted £400 in full and final settlement to compensate him for the distress and inconvenience the bank's failings had caused. Under the rules we must follow (DISP 2.8.2), he would have needed to bring that complaint to this service within six months of the bank's the final response letter had he wanted our involvement.

This means I am only considering here the bank's error that led to Mr L receiving an annual loan statement earlier this year. The facts are no longer in dispute so I need not set them out in detail here.

I agree with the investigator's recommendation that Bank of Ireland should write to Mr L to

apologise and to give him the reassurance he is fairly looking for that no more related correspondence will be sent.

Mr L has described the impact of all the correspondence on him over recent years, but as I've explained I am only looking at the impact of the one statement that was sent in error. And I find a written apology to be a proportionate response.

Mr L is also unhappy with how Bank of Ireland handled his complaint, asking why the bank did not realise it had sent the statement. But, there is a difference between a complaint about a financial service and a complaint about how a firm has handled a complaint. I can only look at the former. Mr L's concerns about Bank of Ireland's investigation into and response to his complaint is not a complaint about the bank's provision of or failure to provide a financial service – it's distinctly about complaint handling. And under our rules I cannot consider complaint handling.

### **Putting things right**

Bank of Ireland must write to Mr L to apologise for sending the loan statement, and clarify what it has done to ensure it meets its commitment to send no further related correspondence.

### **My final decision**

I am upholding Mr L's complaint. Bank of Ireland (UK) Plc must put things right as set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr L to accept or reject my decision before 29 December 2022.

Rebecca Connelley  
**Ombudsman**