

The complaint

Miss T complains that Barclays Bank UK PLC lost her property title deeds.

What happened

Miss T says she stored her home property deeds with Barclays paying £3 a month for the service. She says Barclays wrote to her in December 2021 telling her it was no longer offering the service and she arranged to pick up her deeds in October 2022. Miss T says Barclays lost her original deeds and has only been able to provide her with a copy, which she says is unacceptable. She would like the original documents returned.

Barclays has apologised for what took place and paid £150 compensation. It says it has searched for the documents without success but has provided a copy of them. Barclays says original deeds are no longer needed and don't have a value.

Miss T brought her complaint to us, and our investigator upheld the complaint. The investigator thought Miss T had paid for a service from Barclays for many years which should be refunded and 8% interest added to that amount.

Miss T accepts that view, but Barclays doesn't. It says Miss T didn't pay for the service for about 10 years and says it likely the deeds were in its possession until about 2021 when it completed its scanning process.

My provisional decision

I issued a provisional decision and said as follows.

I came to the provisional view that Barclays should pay Miss T a total of £350 compensation which I thought was fair and reasonable. I didn't think it possible to be sure when Barclays lost the deeds and that it likely it would have been around the time it started its scanning process. I said it follows that Miss T must have had use of the service for some years. And that it would be unfair to order that Barclays refund the full payments in circumstances where Miss T may not have paid for the service in any event, due to what appears to be an oversight by Barclays.

I had no doubt Miss T was caused a significant level of distress and inconvenience in finding out Barclays had lost her title deeds. I could also see that Miss T had other items, such as original certificates, deposited with Barclays. I appreciated Barclays says original deeds are no longer needed but that doesn't take into account that many homeowners wish to retain the original documents for a variety of reasons. And that many customers such as Miss T clearly value the sentimental element of paper deeds for a property that may have been owned for many years.

I had no doubt Miss T was concerned to find out her original documents had been lost and I appreciated she would like Barclays to find those original documents. But that is not something I can fairly order as there is no guarantee the documents can be found, and it seems unlikely they ever will.

I could see Barclays had fairly apologised for what took place, but I thought it's too simplistic for it to simply say it has provided a copy of them for the reasons I have explained. And I didn't think it was just the deeds that were lost but other items.

Overall, my provisional view was that the fairest and easiest approach to this complaint is to order Barclays to pay what I thought was a fair and reasonable compensation award in total of £350 less the £150 previously paid. I didn't think it possible to fairly calculate a refund of fees in these circumstances for the reasons I have explained. I also hoped Barclays would tell me when it started its scanning process and if it thinks there is any likelihood of finding Miss T's documents.

Barclays has replied to my provisional decision and says it agrees with it.

Miss T doesn't accept my decision and in summary says Barclays has got away with losing her items. She says there were other items deposited such as information about local street names which she says Barclays ought to replace.

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 have come to the same overall view that I reached in my provisional decision and for the same reasons.

I appreciate Miss T says that Barclays has got away with it, but I hope it helps Miss T if I explain our role. We are not Barclays regulator and so it's not our role to punish it for any mistake, as here, it makes. I also appreciate that these documents lost by Barclays clearly have a significant level of importance to Miss T and I have recognised that in this decision. I can't fairly order Barclays to find the original documents in circumstances where I think it unlikely those documents will be found.

I also can't fairly order Barclays replace documents about Miss T's home locality and history as again there is no guarantee such documents can be replaced. I hope Miss T is able to obtain historical records from other sources.

Putting things right

Barclays should pay Miss T a further £200 compensation.

My final decision

My final decision is that I uphold this complaint and order Barclays Bank UK PLC to pay Miss T a further £200 compensation making a total of £350 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss T to accept or reject my decision before 23 September 2023.

David Singh
Ombudsman