

The complaint

Mrs D is unhappy with the service provided by Bank of Scotland plc trading as Halifax after she'd reported a problem with a roofer.

What happened

Mrs D employed a roofer. She'd used the roofer in the past. But on this occasion the roofer took payment but didn't carry out the work.

Mrs D says she contacted Halifax in December 2022 and it directed her to Action Fraud. Mrs D waited for several months for Action Fraud to confirm that it couldn't help. She got back in touch with Halifax in April 2023, but it later wrote to her to say that the matter was a civil dispute and it couldn't help. In its final response letter it paid her £40 to reflect the confusion it had caused but also said that it fully agreed with her complaint. Mrs D doesn't appear to have received that letter (and a copy, when it was re-sent) and had to contact Halifax again to ask for its response.

Halifax wrote to Mrs D again. It apologised for saying that it had fully agreed with her complaint and paid her a further £40 compensation. It also explained why it could not consider the matter under the Lending Standards Board Contingent Reimbursement Model "CRM Code" that requires signatories to reimburse victims of APP scams in all but a limited number of circumstances. It said that it thought that the matter was a civil dispute, which are excluded from being considered under the CRM Code.

Mrs D referred the matter to our service. She accepted that she had a civil dispute with the roofer but was disappointed with the way in which Halifax had handled the dispute. She thought that it ought to have told her straight away that it couldn't help and it had caused her unnecessary inconvenience, particularly considering her age and health.

Our investigator considered the complaint but thought that the compensation already paid to Mrs D fairly reflected the inconvenience caused, so they didn't ask Halifax to do anything further.

Mrs D asked for an ombudsman to review the complaint afresh, so it was passed to me 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'm sorry to hear about what's happened to Mrs D – it must have been very disappointing for her to have paid for work to be carried out that never took place, particularly as I understand she suffers from poor health. But Mrs D seems to accept that the roofer wasn't a fraudster and I agree that finding isn't supported by the facts, so I can't consider whether Halifax ought to refund the payments she made under the CRM Code.

I can also understand why she'd want a clear and immediate answer from Halifax about whether it could help. I've seen notes relating to a call which took place towards the end of November 2022 in which Halifax suggested it could raise a scam claim. I haven't seen evidence of the call during which Action Fraud was discussed (and I understand Halifax are unable to locate it), but Halifax doesn't dispute that it directed her to that organisation, when it probably ought to have simply said that it couldn't help. It appears that Mrs D was waiting for Action Fraud to respond to her for some time, before it finally told her that it couldn't help and that she should go back to Halifax. I can also see that Halifax made a mistake in one of its letters (though it doesn't appear that Mrs D actually received that letter until later).

I've thought about whether the compensation paid by Halifax fairly reflects the inconvenience caused to Mrs D and, in doing so, I've taken into account what she's said about her age and health.

I think that it does, so I won't be asking Halifax to do anything further. I think that the majority of the distress and inconvenience here has been caused by the roofer, not Halifax. And though it may have directed her to Action Fraud, it was Action Fraud that appears to have taken some time to tell her that it couldn't help. Once Mrs D did get back in touch with Halifax it appears to have responded to her concerns, and acknowledged its failings, fairly promptly. It's unfortunate that Mrs D didn't receive the first final response letter issued by Halifax (and a copy when it was re-sent), causing her to contact it again, but I've seen a copy of that letter which is correctly addressed and dated and there isn't enough evidence for me to conclude that it wasn't sent. It also appears that the bank did communicate the outcome of the complaint by phone before the letter was sent.

My final decision

For the reasons I've explained, I think Bank of Scotland plc trading as Halifax have already done enough to resolve this complaint, so I do not uphold it.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D to accept or reject my decision before 23 November 2023.

Rich Drury
Ombudsman