

## **The complaint**

Mrs S complains that Bank of Scotland plc trading as Halifax has advised that the funds from her ISA savings account were withdrawn in 2009.

## **What happened**

In 2001 Mrs S opened an ISA savings account with Halifax and she had a passbook for this account. The last balance to be recorded in this passbook was £18,724.38 on 6 June 2007.

In 2022 Mrs S went into branch with her passbook to ask for the interest to be added. Mrs S's account couldn't be located, and she was given conflicting information about her account, so she raised a complaint.

Halifax investigated the complaint and located the account in its records. It advised Mrs S that the account had been closed on 5 May 2009 and the balance of £20,270.68 had been withdrawn. It was also able to confirm the branch the closure took place. It apologised for the service received when she went into branch with her passbook in 2022 and made a payment of £50 compensation for this. It later confirmed to Mrs S it held no further records in relation to the account or the withdrawal of the funds.

Mrs S remained unhappy and brought her complaint to our Service. She said she hadn't withdrawn the funds and felt her savings had been stolen by fraud. Mrs S also said she'd reported her concerns to the police but felt Halifax ought to have done this for her.

Our Investigator looked into things but didn't uphold the complaint. In brief, they said that the bank's evidence indicated the funds were withdrawn and given Mrs S was the only person with the authority to do this, it was more likely than not that she withdrew the funds.

Mrs S disagreed. She said she never went to that branch in 2009 and observed that if she had the passbook in her possession then she wouldn't have gone into branch without it. Mrs S felt Halifax could not have carried out due diligence in 2009 because she hadn't withdrawn the funds. She also said there ought to be some records as to how the money was paid out in 2009.

So, this complaint has been passed to me to consider.

## **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.

Mrs S has confirmed to our Service that she considers the issue of the conflicting information she received about her account in branch in 2022 was resolved following the £50 payment, so all that's left for me to consider are her concerns over the fact Halifax is saying her funds have been withdrawn.

Firstly, it's important to stress that passbooks offer a snapshot of an account at a particular point in time. The lack of further entries doesn't prove an account remains open or that there were no further withdrawals. And that's because new passbooks could be issued where old ones were lost, banks wouldn't refuse to allow consumers to withdraw their funds simply because they lost their old passbook, and with the transition to computerised records, not all banks collected in the old passbooks.

Halifax has confirmed to us that at that time it would have allowed customers to make withdrawals from their accounts without the passbook providing they had appropriate identification documents. And I don't think this is unreasonable for the reasons outlined above.

Halifax has searched its records for information related to the account which is what I'd expect it to do. I've viewed the records it has found, and I'm satisfied they indicate the money was withdrawn and the account closed in May 2009 as Halifax suggested.

Whilst Halifax has said it wouldn't have allowed this withdrawal without proper identification, Mrs S was the only person authorised to make a withdrawal from her account. And Mrs S's testimony is that she didn't make this withdrawal. So, I can see why she's concerned about what's happened here.

The difficulty I have is that there is very limited evidence. I know Mrs S feels Halifax ought to be able to tell her more about who closed the account and how the funds were withdrawn, but banks aren't required to keep records indefinitely. So, I don't think it's unreasonable that it isn't able to confirm to Mrs S exactly how the money was withdrawn from an account over 14 years ago.

Where evidence is incomplete or conflicting, I need to decide what I think is most likely to have happened. And on balance, I think it is unlikely that Halifax would allow someone without appropriate identification to withdraw all of the funds from this account. I think it's more likely staff followed the identification process Halifax had in place. This is not to make a conclusion on whether the funds were definitely withdrawn by Mrs S, but rather to say that the evidence doesn't persuade me that Halifax did anything wrong.

I appreciate Mrs S feels Halifax ought to have reported fraudulent activity to police, but I am not aware of any specific requirement for it to do so. In any event, I note that Mrs S has said she reported the matter to police.

For all of these reasons, based on the available evidence, I am not persuaded that Halifax has acted unfairly here.

### **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 Mrs S to accept or reject my decision before 23 February 2024.

Jade Cunningham  
**Ombudsman**