

## **The complaint**

Mr S complains that Bank of Ireland (UK) Plc has not credited his account with a cheque.

## **What happened**

In July 2023, Mr S went to his local Post Office to deposit £700 in cash and a £700 cheque into his Bank of Ireland business account which he holds as a sole trader. The £700 cash credited his account, but the cheque didn't. Mr S complained to Bank of Ireland which said that it didn't receive the cheque and recommended that he speak to the person who issued it to get it reissued. Bank of Ireland did pay Mr S £30 for any inconvenience – although it maintained it wasn't responsible for what happened here.

Mr S wasn't happy with Bank of Ireland's response and so he brought his complaint to this service, where one of our investigators looked into it. They said that Bank of Ireland's terms and conditions covered the situation here and where there was no evidence of the cheque being received, it wouldn't be fair to hold Bank of Ireland liable for it. Our investigator said that the issuer of the cheque would still have the money and so Mr S should contact them.

Mr S disagreed with the investigator. He said that he paid in the cheque in good faith and the issue now is between the Post Office and Bank of Ireland. As a bigger bank that works with the Post Office, Mr S felt that Bank of Ireland should take responsibility for the cheque here and he explained that he is no longer in contact with the person that issued it. Our investigator didn't change their mind and so the complaint has been passed to me to decide.

## **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.

Bank of Ireland has an arrangement with the Post Office that means that when Mr S paid in his cheque at his local Post Office, he would have needed to use a lodgement slip and special purpose Bank of Ireland paying in envelope. The Post Office would then have given him a receipt as proof of the lodgement of the cheque.

Our investigator asked Mr S to provide a copy of that receipt, as that would have shown that the cheque was given to the Post Office. But after several messages from our investigator and allowing some time for him to do so, Mr S hasn't provided this.

Bank of Ireland has no records of the cheque being received, or lodged and while I have had regard for all that Mr S has said, he has no evidence of this cheque either. This means that there is simply no evidence of this cheque having been presented to Bank of Ireland through the Post Office.

In these circumstances, I don't think it would be fair to say that Bank of Ireland can be held liable for the losses from a cheque that there is no evidence of. I realise that this may feel unfair to Mr S, because if the Post Office lost the cheque as he suggests, then it also lost a key piece of evidence he would need. But this is one reason that the Post Office gives a

receipt on behalf of Bank of Ireland – so it can be demonstrated that a cheque has been lodged.

Bank of Ireland has paid Mr S £30 for his inconvenience, but didn't accept responsibility for the loss of the cheque. That was a helpful gesture, but without any evidence of the cheque being received then - in line with the terms and conditions of the account – I can't fairly hold Bank of Ireland responsible for it being lost. I'm sorry to hear that Mr S has fallen out of contact with the person that issued it, but as Bank of Ireland and our investigator have both said, he will need to contact them in order to get this reissued, as I can't see that Bank of Ireland can do any more to help him here.

### **My final decision**

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 31 May 2024.

James Staples  
**Ombudsman**