

## **The complaint**

Mr B is unhappy with the way he was treated in one of Bank of Scotland plc's (trading as Halifax) branches when he was carrying out activities relating to the administration of his late-father's estate.

## **What happened**

The circumstances that led to this complaint are well known to both parties, so I won't repeat them in detail here. But, in summary:

- Mr B's father had an account with Halifax. When his father died last year, Mr B was appointed by his mother – via an enduring power of attorney – to act on her behalf in the administration of the estate. Mr B subsequently went into branch on more than one occasion (in June and July 2023) to arrange for the closure of his father's account. And he complains about the way he was treated in branch.
- Halifax denied the allegations Mr B made and said he had been treated appropriately. After Mr B referred his complaint to this service, Halifax also noted that Mr B had exhibited unreasonable, aggressive behaviour in branch on more than one occasion.
- Our Investigator didn't think there was enough evidence to conclude that Mr B had been treated poorly. He also explained that, in any event, Mr B was acting as a representative and was not Halifax's customer in relation to the events he'd complained about. And we can't make awards of compensation to third parties. Mr B didn't accept this so the matter has come to me.

## **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 appreciate Mr B has asked to see the evidence we have relied upon but, given the nature of that evidence, I have accepted it from the bank in confidence. I also note Mr B said he could prove that the Investigator came to the wrong conclusions, but he didn't respond to our invitations to do so.

I've thought very carefully about what both sides have said and this hasn't been an easy decision to make because their recollections of what happened differ by some degree. Mr B thinks the branch staff were unsympathetic and treated him badly, but the branch staff refute this and say Mr B behaved inappropriately on more than one occasion.

Having looked at all the evidence – which includes listening to recordings of calls Mr B has had with this service – I'm not persuaded that his version of events is more likely than the bank's. And, in such circumstances, I can't fairly instruct the bank to give the apology Mr B feels he's entitled to receive or instruct it to pay him any compensation.

I should also stress, as our Investigator has already explained, that I have no power to make awards to compensate administrators of a deceased consumer's estate (or their representatives – as Mr B is in this case) for any distress and/or inconvenience they have personally been caused while acting in their capacity as the administrator (or as a representative of the administrator) of the estate.

### **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 Mr B to accept or reject my decision – on behalf of his father's estate – before 19 March 2024.

Ruth Hersey  
**Ombudsman**