

The complaint

Mrs P, on behalf of the estate of her late son Mr P, complains about the way HSBC UK Bank plc (HSBC) dealt with the closure of Mr P's accounts. She would like the accounts closed, the money returned along with compensation for the emotional distress and financial loss and costs

What happened

Mrs P says she contacted HSBC with the support of a friend in August 2022 about her late son's accounts but at this point was told that a law firm was acting on Mr P's behalf. Mrs P says at this point she ended the relationship with the law firm and took over dealing with HSBC herself.

At a subsequent meeting in branch in August 2022 HSBC told Mrs P the closure of the accounts wouldn't take too long. However, when Mrs P's friend contacted HSBC to get an update HSBC said the law firm was still representing the estate. Mrs P wrote to HSBC confirming the position with the law firm in October 2022. When she didn't get any response Mrs P's friend called again but HSBC said Mrs P would need to confirm the status of the friend which Mrs P did. HSBC then advised there was an issue with bank statements Mrs P provided for Mr P's accounts as they were too old. Mrs P sent new statements but when her friend called for an update she found HSBC unhelpful.

Mrs P feels HSBC haven't acted appropriately. She says her son died intestate and she and her husband are his next of kin. She says she provided all the information HSBC asked for incurring solicitor and legal fees in doing so. She says the situation was very difficult as she and her husband relied on the funds in her son's accounts but were delayed access due to HSBC's actions.

HSBC expressed its condolences and explained delays were due to the involvement of solicitors initially appointed to deal with the estate and the fact it needed to clarify who the next of kin was.

Our investigator initially said we couldn't consider Mrs P's complaint as she hadn't provided a letter of authority (LOA) from the named representatives of Mr P's estate. When Mrs P provided this our investigator went ahead and considered her complaint.

Whilst our investigator appreciated the frustration and upset caused by the time taken to resolve Mr P's estate, he felt the issue was a complex one that took some time to unravel. He found HSBC's actions fair. He also advised that our service doesn't award compensation for executors as they only represent an estate.

HSBC accepted this view but Mrs P didn't.

Mrs P raised some further concerns. She felt HSBC breached her privacy disclosing information to the law firm she dismissed, her friend supporting her was denied access to

information about Mr P's accounts, how the next of kin issue was dealt with and not being advised there was an issue with the bank statements she sent.

Our investigator considered these comments but didn't change his view. He found no evidence personal data about Mrs P had been shared with the law firm, there was an issue with the Power of Attorney (POA) form supplied that would have allowed Mrs P's friend to assist her, HSBC had to look into the claim that Mr P had a wife and finally the statements provided were outside of the four month time limit which Mrs P's friend was advised of this in October 2022.

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 do appreciate how distressing it must have been for Mrs P to have to deal with the death of her son and his estate all the more so given the language barrier. I do understand how important her friend was in supporting her with this process.

In this complaint I must look at HSBC's actions and if they did anything wrong. I have noted that Mrs P would like compensation for the emotional distress and inconvenience she feels were caused by the delays from HSBC and for the financial costs and losses she says she incurred.

I think it's important to note that we don't award compensation to executors personally as they only represent an estate.

I do appreciate it took some time for HSBC to resolve matters relating to Mr P's estate. It was first contacted by the law firm representing the estate to advise of Mr P's death in February 2022 and I understand the HSBC accounts were finally closed in September 2023. I don't doubt, as Mrs P has told us she and her husband relied on funds from her son's accounts, that this caused them some issues, although they haven't evidenced this.

HSBC has a bereavement process in place that it must follow. It has a responsibility to ensure it deals with the correct person/people and that funds are allocated correctly. As such it's not unreasonable for it to request information to meet its obligations.

It seems to me there were several factors that led to a delay in resolving the closure of Mr P's accounts. As this involved HSBC liaising with other organisations/people it's not reasonable for HSBC to be held solely responsible for the time taken.

The two main issues HSBC had to resolve were firstly the initial involvement of a law firm acting on behalf of the estate and secondly Mr P's marital status.

In terms of the involvement of the law firm I appreciate Mrs P has told us she terminated this relationship. However, HSBC dealt with the law firm from when it advised of Mr P's death in February 2022 through until August 2022. It's clear from the information supplied that some delays were incurred during this time, for example, it took from March 2022 to July 2022 for the law firm to confirm details of Mr P's personal representatives. I don't feel HSBC were a fault for any delay here.

HSBC's records show from August 2022 that Mrs P was then dealing with Mr P's estate. HSBC called and later, when prompted by Mrs P's friend, wrote to the law firm to get the clarity it needed that the law firm was no longer dealing with Mr P's estate. This is its usual process when it seems there is a dispute between the next of kin and solicitors. It took until

8 March 2023 to get this confirmation. I think it was appropriate this confirmation was sought – HSBC had a duty to ensure it was dealing with the correct person/firm. From what I have seen the delay in this wasn't solely down to HSBC.

I have also seen no evidence that HSBC supplied the law firm with any inappropriate confidential information, its correspondence related to Mr P.

The second issue that caused some delay was the fact the death certificate showed Mr P was married. Again, I think it was entirely appropriate that HSBC investigated this. It had to establish who was Mr P's next of kin particularly as Mr P died intestate. I appreciate this would have been a sensitive matter for Mrs P but it is something HSBC had to do. Again, this took some time to resolve.

A further delay was caused as HSBC requiring information to support Miss P's friend acting on her behalf. I don't doubt the support the friend was able to give but it's not unreasonable for HSBC to have needed information to ensure it was dealing with an appropriate person.

I have noted Mrs P's comments about the frustration that bank statements she provided didn't cover the right timescales. It's not clear to me if HSBC advised of the timescales required when it first asked for this information. If it didn't then I think it would have been helpful had it done so. Not only would this have avoided any delay but it would have reduced the stress for Mrs P as I appreciate it can't have been easy for her in dealing with anything relating to her son's death. However, I have also noted that despite the requirements for the bank statements being given to Mrs P's friend in a phone call in October 2022 some of the information Mrs P then provided in January 2023 was still not within the date range required which further added to the delay in resolving Mr P's accounts..

Finally, HSBC has explained its processes for dealing with bereavement changed during the time it was dealing with Mr P's accounts. That's unfortunate but these situations do arise. It meant that HSBC needed to be sure it was following the new process which might have added to any delay as staff would have needed to take time to ensure they were dealing with matters in the correct way

I appreciate Mrs P has asked for compensation for the emotional distress caused and for financial costs and losses involved although she hasn't provided any evidence of these. But I have already explained we are not able to compensate those dealing with an estate.

Looking at all the information I have received I think it did take a long time to deal with Mr P's account closures. However, in my view this was mainly caused by the issues that arose – the involvement of a law firm and the issue of next of kin, which HSBC needed to investigate. The slow responses from some of the parties involved added to the delay. And I think some of HSBC's communications could have been clearer for example the bank statement information needed. However, overall, I think this was a complex matter for HSBC to deal with and I think it acted fairly and reasonably.

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 the estate of Mr P to accept or reject my decision before 18 April 2024.

Bridget Makins

Ombudsman