

The complaint

Ms M complains that Bank of Ireland (UK) Plc has closed her savings account without telling her and without paying her the money held in her account.

What happened

In August 2023 Ms M tried to check the balance of her Bank of Ireland savings account using her account card but the request was declined. She says Bank of Ireland told her the savings account had been closed and the account number given to someone else.

Ms M said she'd not closed her account. She said Bank of Ireland could not tell her when or why the account was closed or tell her what had happened to the balance of around £7,000 in the account.

Bank of Ireland said it didn't have any records for Ms M's accounts and that it routinely deletes information about closed accounts after seven years, in line with data protection law.

Unhappy with the response, Ms M asked us to look into her complaint. She wanted Bank of Ireland to give her money back to her. She had usually paid cash into her account and she thought she'd last used it in 2013. She'd never received statements.

Bank of Ireland questioned whether the complaint had been brought to us in time and whether Ms M was an 'eligible complainant' under our rules. Having seen Ms M's savings card, our Senior Investigator was satisfied Ms M could complain to us and had done so within the relevant time limits. Bank of Ireland accepted our Investigator's opinion so she went on to investigate the complaint itself.

Our Senior Investigator did not uphold the complaint. Bank of Ireland had provided evidence it had searched for the account and did not have a record of it. Our Senior Investigator considered whether the account was dormant. But she did not think this was the case given the amount Ms M said was in the account and because a dormant account would have been searchable on the bank's systems. She thought it was more likely the account had been closed.

Ms M asked for an Ombudsman's review. She said she had not asked Bank of Ireland to close her account and it had not told her the account was closed. She asked for evidence of the bank's account search, which we sent to her. She didn't consider this added anything. She had shown she had an account and it was "astonishing" that Bank of Ireland had not found any evidence of its existence. The amount involved was too much to lose.

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 now accepts that we can consider this complaint. But for the avoidance of doubt I'm satisfied that the complaint has been brought to us within time by an 'eligible

complainant' as defined by our rules.

I'm sorry to disappoint Ms M again but I don't uphold her complaint. I'll explain why.

Ms M has provided a copy of her savings account card, but this is not, of itself, evidence that her account with Bank of Ireland is still open or that there is a savings balance in the account. Banks do not usually ask for any savings cards issued to customers to be returned to them when an account is closed.

I understand Ms M says the money in her savings account was a 'rainy day' fund, which she hadn't used since 2013. So I've considered the possibility that the account still existed but Bank of Ireland had made it a dormant account. If it had then I would expect the bank to return her money on her request.

Bank of Ireland says that it would treat a savings account as a dormant account where there had not been any withdrawals or credits for three years. It would then write to its customer at their registered address. If there was no response it would 'deactivate' the account and the genuine customer would need to provide it with evidence of their identity before any withdrawal could be made. But the bank would still hold the account in the customer's name and the money would earn interest in line with the account's terms.

I accept Bank of Ireland's evidence about its usual procedure, which is in line with good banking practice. I appreciate Ms M considers the bank's evidence is 'generic' and doesn't apply specifically to her case. But where an account cannot be traced I will always look at the bank's usual procedure to decide what I think is more likely than not, on the balance of probabilities, to have happened.

If Bank of Ireland had made Ms M's account dormant, then it's likely that any letter it sent to her about that would have been sent to her correct address. I say this because she has confirmed the only account address held by Bank of Ireland was her parents' address to which she still has access.

Ms M says that she did not receive a letter from the bank saying her account had become dormant. But even if Bank of Ireland had lost touch with Ms M, the account would still be held in her name. The bank conducted a search and it did not find an account in Ms M's name. I've carefully considered the evidence the bank has provided and I'm satisfied it searched for her account using her correct name and did not find one in her name.

Ms M is concerned that Bank of Ireland cannot provide her with any letter that it sent to her following the closure of her account or give her further details of when and how the account was closed.

I can appreciate Ms M wants to know with certainty what happened to her account but banks are not required to keep records indefinitely.

Having considered all the evidence I think it's more likely than not, on the balance of probabilities, that the savings account was closed more than seven years ago and the money withdrawn. This means that Ms M's personal information would have been deleted in line with the bank's usual record deletion process. Any letter sent about the closure of her account would not now exist. If her account had been dormant with her savings in it then I think Bank of Ireland would have found it when searching under her name.

I think it's unlikely – again, on balance – that Bank of Ireland would have released the money and closed the account without taking reasonable steps to satisfy itself it was doing so on the instructions of Ms M as the account holder.

Ms M is concerned that Bank of Ireland told her it had recycled her savings account number. Banks sometimes do this for closed accounts after a period of time has elapsed. I don't think it's likely that Bank of Ireland would have given Ms M's account number to another customer while there was money still in the account.

I can see that Ms M doesn't accept the information Bank of Ireland has provided, but she has no information about the ongoing existence of the account. For the reasons I've explained it would not be fair for me to require Bank of Ireland to pay her the money she said was in her account.

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 Ms M to accept or reject my decision before 13 May 2024.

Amanda Maycock
Ombudsman