

## **The complaint**

Mr G is acting for the estates of his late parents against National Westminster Bank Plc. Mr G believes there are valuable items belonging to his family held in safe custody and safe deposit boxes still with the bank that should've been given to him and the estates. He is also unhappy about the safe custody items the bank mislaid and gave to non-family members.

For ease I'll refer to Mr G as the main party here throughout.

## **What happened**

Mr G said NatWest must have items belonging to his late parents that it should find and pass on to him. Mr G said after his father passed away he wrote to NatWest to enquire after his parent's safety deposit boxes. At that point, he was told they had been closed some time ago. He doesn't think the bank has kept accurate details. Mr G didn't feel he could challenge this as he had no further evidence.

That changed when Mr G's cousin went to collect his own items from the safe custody arrangements at the bank branch. Mr G's cousin also collected two large cardboard boxes and when he opened them found they belonged to Mr G's father. The cousin said he'd never given permission for Mr G's box to be held with his own safe custody items. Mr G's cousin delivered these cardboard boxes to him.

Mr G said his father had told him he had valuable jewellery and other items stored in a safety deposit box. When it undertook a further search NatWest did find some other safe custody items it was holding for Mr G's mother.

Unhappy with this Mr G decided to bring a complaint to this service.

Our investigator didn't uphold the complaint. He said the bank records showed all Mr G's parent's arrangements had been closed back in 2014. And that no other valuables had been located during the bank's search processes. The bank had found some other items belonging to the family in safe custody rather than a safety deposit box. He said NatWest had made reasonable efforts to conduct checks.

Mr G didn't accept this and asked for his complaint to be passed to an ombudsman for a decision.

In my recent provisional decision, I said:

*"Mr G said he checked his parent's banking arrangements after his father had passed away and NatWest had confirmed any safe custody arrangements had been closed many years before.*

*It was only after he was contacted by his cousin who passed to him boxes of his father's items that Mr G further challenged NatWest. Despite writing to NatWest Mr G said he didn't get an acceptable answer as to what had happened. He also didn't know why NatWest had handed his cousin Mr G's father's items.*

*NatWest conducted further searches and found some other items belonging to Mr G's late mother. NatWest referred to these as "orphaned items" and said the items weren't connected to a bank account. Mr G noted that NatWest was still unable to explain what had happened and Mr G felt the bank had been unhelpful.*

*Mr G doesn't think NatWest had any organised and proper system for safeguarding customers items. He doesn't feel confident that NatWest holds nothing more belonging to his parents.*

*Mr G said his father didn't mention safety deposit boxes in his will, but said he clearly had one. Mr G continued to refer to specific valuable items including jewellery he and his sister were sure their parents placed with NatWest for safe keeping. But he said he had no receipts or other records of a safety deposit box.*

*NatWest apologised for not letting Mr G know earlier about the items it held in safe custody for his late mother. It said the reason it had missed this previously was because the items weren't linked to a bank account so when it searched accounts it didn't show up on the safe custody report. It said the items were showing as "orphaned items" due to not being linked to any account. NatWest said it had a strict process of requesting the appropriate documentation for the release of items in safe custody for deceased customers to ensure items were only returned to the correct party. It continued "Safe custody is of higher risk because we don't know the value of items being held, and can be of sentimental value to customers." In view of the issues it had caused it agreed to look at refunding costs if Mr G's solicitor executor needed to attend the bank branch to collect the items.*

*NatWest confirmed there was nothing else in safe custody in the name of Mr G's parents. It said their items had been withdrawn a number of years ago. The last record for Mr G's parents showed the items removed on 24 February 2014 and the final set of pro-rata fees for such a service had been paid the following day.*

*NatWest apologised that Mr G's father's items had been linked to his cousin's safe custody items.*

*Regarding jewellery and valuable items NatWest said without any evidence it couldn't conduct any further investigation. It said if Mr G could produce any further details, it would be happy to look into the matter further. It said safe deposit box arrangements are usually ended by the estate when a customer dies.*

*I can totally understand why Mr G lacks confidence in what NatWest has said about its record keeping and storing items in safe custody.*

*Safe custody items are held within the safe inside bank branches. Usually these are linked to a bank account. In the case of Mr G's mother's items these were considered "orphaned" and there's no clear reason as to why these items weren't linked to an account. The items were only found when NatWest conducted a further search. These items should've been returned to Mr G when his mother passed away. Mr G said NatWest hasn't given any real explanation. I agree with Mr G, I don't think NatWest has acted fairly or reasonably here.*

*There's also still mystery around why Mr G's father's items were stored with his cousin's safe custody items. I'm still a little unclear about whether any of Mr G's items were in a safety deposit box owned by Mr G's cousin or even if Mr G's cousin had a safety deposit box. As the words and language used to describe what happened here has switched between safe custody and safety deposit box throughout evidence from both parties.*

*Overall, it appears on balance that Mr G's cousin had items in safe custody and as his surname is the same these sets of items were kept together as the branch suspected a family connection. But based on what NatWest said above about the amount of care and checking it does around items in safe custody it seems very odd that these items with a different first name noted on them would be just handed to someone who shares the same surname. I don't think NatWest has acted fairly or reasonably on this. It doesn't appear to have followed the process it referred to above.*

*NatWest didn't know why the cardboard boxes hadn't been handed back to Mr G's parents when they stopped paying for the safe custody service in 2014. These boxes also appear to have been considered "orphaned items." NatWest confirmed all safe custody stored items were always held in the safe and everything was under "dual control" no individual had access to the items in the safe on their own at any time.*

*There's no written evidence, receipts, or records to show that any valuables were placed with the bank or in a safety deposit box by Mr G's father. Without this, and on this issue, I think the bank acted reasonably when it checked its records and said it would check further if any evidence could be provided about valuables or a safety deposit box.*

*It's clear that Mr G has found this whole situation upsetting and frustrating. I can understand why he feels NatWest may still be holding items that belong to him and his family. But there's no evidence of this and without evidence there's no more action I can expect NatWest to take regarding further checks. However, regarding the two sets of "orphaned items" that belonged to Mr G's parents I think it would be distressing for anyone to contend with. So, I think NatWest should compensate Mr G for the distress and inconvenience this caused him. It's clear Mr G doesn't believe what the bank now tells him and he's still worried about what else might be missing. In view of the errors around the two sets of safe custody items I think NatWest should pay Mr G £300."*

### **Responses to my provisional decision**

NatWest responded and agreed acceptance of the provisional decision.

Mr G responded and I'll pick out the main points. Mr G said my provisional decision showed the poor administration and systems at NatWest. He said I had purported to endorse his position. But that meant the £300 compensation is derisory and insulting. Mr G said he should get a more substantial figure. Mr G said his time would have been better served on virtually anything else rather than dealing with this issue.

### **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.

Mr G has reiterated a point I made. But I followed that up in the provisional decision by highlighting there's no evidence to suggest NatWest is still holding any items which should be passed to him.

I understand that Mr G remains upset, but I think the amount is fair and reasonable given the circumstances and details of his complaint.

As neither party has brought any other or new evidence my provisional decision becomes my final decision.

**Putting things right**

Pay £300 compensation for the distress and inconvenience caused to Mr G.

**My final decision**

I uphold this complaint.

I require National Westminster Bank Plc to:

- Pay £300 compensation for the distress and inconvenience caused to Mr G.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estates of Mr G and X to accept or reject my decision before 3 October 2024.

John Quinlan  
**Ombudsman**