

The complaint

The estate of Mr W complains TSB Bank plc failed to update the account in relation to Mr W's passing and allowed transactions and direct debits to be withdrawn after the account should've been blocked.

This complaint has been brought by the late Mr W's wife on behalf of his estate. In the hope that both parties don't mind, and to make things simple, I will refer to the late Mr W as "Mr W", and his wife as "Mrs W".

What happened

Mrs W says she informed TSB of Mr W's passing on 20 September 2023, the day after his funeral. She says TSB failed to restrict Mr W's account from this point, which led to further direct debits and payments being taken from the account. Mrs W says this is in breach of TSB's own policy and she should be refunded for the money taken after this date. Mrs W also disputes the amounts taken via direct debit to their mobile phone provider over the years as she says the amounts charged in some months was significantly higher than it should've been.

Mrs W is also complaining about the service she received from TSB and the lack of understanding and empathy it displayed towards her. Mrs W says she suffers from disabilities and was required to attend the branch several times, which was difficult for her. She would like compensation for the way she has been treated.

TSB says it has honoured the direct debits set up by Mr W years before his passing. It says Mr W was aware of these debits coming out of his account and never complained about them which means he was aware of their existence and was happy with the amounts being taken. Either way, TSB says it has correctly followed the direct debit mandate it had received. TSB says Mrs W didn't attend the appointment she made on 29 September 2023, and it was only made aware of Mr W's passing on 4 October 2023. TSB says it hasn't done anything wrong here and any disputes she has about the amounts taken via direct debit should be directed to the merchants responsible.

Our investigator considered this complaint and decided not to uphold it. Mrs W didn't agree so the complaint has been passed to me for a final decision.

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.

Before I set out my thoughts, I want to acknowledge that I have summarised this complaint briefly and, in less detail, than has been provided. I've focused on what I think is the heart of the matter. Please rest assured that while I may not comment on every point raised, I have considered it. I'm satisfied that I don't need to comment on every individual point or argument to be able to reach what I think is the right outcome. Our rules allow me to do this and reflect the fact that we are an informal service and a free alternative for consumers to

the courts.

Mrs W is adamant she spoke to TSB on 20 September 2023 and informed it that Mr W had sadly passed. I've seen evidence from TSB's notes on Mr W's account that it did receive a call from Mrs W on that day, but the notes suggest a meeting was booked for 29 September 2023, and there is no evidence anything else was discussed. While I am not saying Mrs W is being untruthful about this, we are an evidenced based service and it's difficult for me to rely on what Mrs W says without any supporting evidence.

The evidence supplied by TSB shows it received a call from Mrs W's personal assistant to book an appointment on 17 October 2023. From this date TSB recorded Mr W's death and restricted the account from any further transactions in and out. And I've seen from the bank statements that no further transactions are listed on this account from this date. As the evidence shows the 17 October was the first time Mr W's passing was registered on his account, I can't say TSB should've restricted the account sooner. So, I won't be able to ask it to refund any of the direct debits taken before this date.

Mrs W complained that the delay in getting an appointment with TSB led to a delay in the account being restricted and so the direct debits were incorrectly taken. However, I've seen from TSB's policies that a death can be registered online or via email, as well as on the phone. And while Mrs W has disabilities which make it harder for her to go into branch, I've seen that she has regularly been emailing our Service so it's reasonable to say she could've emailed TSB to log her husband's passing sooner.

Mrs W is disputing amounts paid in direct debits in the years prior to Mr W's passing. However, this is not an issue for TSB to address. TSB has evidenced that the direct debits in question had been in place on the account for years. And there is no evidence Mr W disputed the existence of the direct debits or the amounts being charged prior to his passing. So, I think, on balance, TSB was authorised to debit the amounts being charged and any dispute about this would need to be directed to the merchants in question.

Mrs W is unhappy with the way she was treated by TSB, she says it lacked empathy towards her and didn't take account of her disabilities. I've seen that TSB originally offered her £250 compensation, but then it decided to withdraw this. While I appreciate that this would've been very frustrating for Mrs W and must have felt cruel, I cannot ask it to reinstate this without justification. While Mrs W is eligible to bring a complaint to this Service, she is doing so on behalf of the estate of Mr W. And, unfortunately, I cannot consider any award of compensation to the estate of Mr W for inconvenience or upset felt by Mrs W. Those are just the rules that apply.

My final decision

Your text here

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr W to accept or reject my decision before 1 April 2025.

Sienna Mahboobani
Ombudsman