

The complaint

Mrs B has complained that National Westminster Bank Plc (NatWest) is holding her liable for a debt which she says was not hers.

What happened

Since around summer 2023, NatWest has been pursuing Mrs B for an overdraft debt of around £340. Mrs B says this was her late partner's account, who passed away in 2022. NatWest says it was a joint account.

Our Investigator repeatedly tried to get evidence from NatWest. But NatWest kept asking us for copies of certain administrative documents, despite our Investigator providing them repeatedly. So, without any evidence from NatWest, our Investigator eventually upheld the complaint. NatWest didn't agree, so the complaint's been passed to me to decide.

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.

Our service is tasked with resolving cases quickly and with minimal formality. The rules we operate under allow us to progress cases in the interest of resolving complaints quickly and fairly, and to make inferences where information is not provided. I'm satisfied that our Investigator sent the relevant correspondence documents to NatWest repeatedly, to its contact details, and I can see that NatWest is receiving our correspondence as it has replied to it. We have given NatWest more than enough time and opportunities to provide its evidence, and I cannot fairly delay the case indefinitely. So I will make my decision based on the information I have at this point.

I need to consider whether NatWest is entitled to hold Mrs B liable for this account. Broadly speaking, the onus is on NatWest to show that it is. But NatWest has not provided any evidence to show or substantiate that this is Mrs B's debt.

On the other hand, Mrs B has evidenced that her late partner unfortunately passed away in 2022; and following this, NatWest's bereavement team wrote to her in May 2023 confirming that they wouldn't pursue repayment on the late partner's accounts, which appears to have included a current account. According to NatWest's own final response, it looks like the account in question had been dormant after the late partner passed away, and the contact details registered to it were seemingly the late partner's rather than Mrs B's. This all tends to indicate that this was the late partner's account and not Mrs B's. Finally, Mrs B has provided clear and consistent testimony, and I've found no good reason to disbelieve her.

Therefore, NatWest has failed to evidence that this was Mrs B's account or debt. On the other hand, Mrs B has provided evidence indicating it is not her debt.

Taking into account everything that's been said and provided to me, I'm not persuaded that this was or is Mrs B's debt. So I don't think NatWest can hold her liable for it.

Putting things right

I direct National Westminster Bank Plc to:

- take the debt out of Mrs B's name and disassociate her from it. If necessary, this will mean buying back the account if it's been sold on, and writing off the balance;
- make sure that Mrs B is not pursued for this account again;
- permanently remove any record of the debt from Mrs B's credit file;
- refund any repayments Mrs B has made towards the debt herself since NatWest began pursuing her for it;
- pay simple interest to Mrs B on any refunded repayments, at the rate of 8% simple a year, payable from the date they were paid until the date they're returned. This is to compensate Mrs B for the time she didn't have that money.

If NatWest considers that it's required by HM Revenue & Customs (HMRC) to deduct tax from that simple interest, it should tell Mrs B how much tax it's taken off. It should also give Mrs B a tax deduction certificate if she asks for one. Mrs B may be able to reclaim the tax from HMRC if she doesn't normally pay tax.

My final decision

For the reasons I've explained, I uphold Mrs B's complaint, and direct National Westminster Bank Plc to put things right by doing what I've said above.

If Mrs B accepts the final decision, National Westminster Bank Plc must carry out the redress within 28 days of the date our service notifies it of the acceptance.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 21 January 2025.

Adam Charles
Ombudsman