

## **The complaint**

Mr P complains on behalf of the estate of Mrs P about the service he received from Bank of Scotland plc trading as Halifax.

## **What happened**

Mr P is unhappy that Halifax told him that he could not close the late Mrs P's account until he received a grant of probate (GOP). After Mr P decided to involve a solicitor, Halifax closed Mrs P's account and sent the balance in the account to the solicitor.

Mr P says that if he had known Halifax was going to do this, he would not have gone through a solicitor as probate can take months, meaning that he won't have earned interest on the funds sitting in his solicitor's account. But if it had been left with Halifax, the funds in the account would have continued to earn interest.

Our investigator didn't uphold the complaint. She said she had seen Halifax's procedure for dealing with the accounts of deceased customers. Whether a GOP is required will depend on how much money is to be transferred and where the money is to be paid. Our investigator didn't think Halifax made a mistake when it released the funds to Mr P's solicitor as the amount was less than £175,000.

Mr P didn't agree with the investigation outcome. He thought it insulting that Halifax considers a solicitor more trustworthy than him.

Our investigator understood that Mr P disagreed with Halifax's procedure of setting different limits for solicitors. However, she explained that it is not the role of the Financial Ombudsman Service to tell Halifax how to run its business or change the procedures that it adopts.

Mr P remains unhappy with the investigation outcome. He thinks Halifax treated him badly when it didn't tell him that it could send the money to a solicitor and not himself. Mr P says the impact on him is greater as it concerns a bereavement.

## **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 would first like to say that I am sorry to hear about Mr P's loss. I appreciate that this has been an upsetting time for him and can understand why he is unhappy with the situation he finds himself in with Halifax. However, having considered everything, I don't uphold his complaint.

Halifax follows a set process for the closure of accounts belonging to deceased customers. Depending on who is to receive the funds and how much is to be paid out, Halifax may require a GOP before it closes the account and pays the funds out.

Halifax requires a GOP where the balance to be paid to a spouse or executor exceeds

£50,000. In Mr P's case, the balance of Mrs P's account exceeded £50,000. So, Halifax was correct to say that it could not close Mrs P's account and pay the balance to Mr P without a GOP.

When it comes to a firm of regulated solicitors, Halifax will pay a balance not exceeding £175,000 without a GOP. As Mr P involved a solicitor to assist with Mrs P's affairs, I can't fairly find that Halifax was wrong to pay the balance in Mrs P's account to the solicitor.

Although Mr P is unhappy that Halifax didn't tell him that it could close the account and pay the funds to a solicitor, I don't have evidence to suggest that he raised this as a possibility when he asked about closing the account. And I would not necessarily have expected Halifax to suggest involving a solicitor as an alternative to waiting for the GOP so that Mr P could close and withdraw the funds himself.

Once instructed to act, I would have expected Mr P's solicitor to find out details of the administrative process used by Halifax to release Mrs P's assets. Particularly as in the past, a protocol was agreed between bodies representing banks and solicitors, which set out the administrative process for releasing assets held by deceased customers. So, I don't think it fair to find Halifax at fault for any lack of awareness on the part of the solicitor.

I can understand that Mr P was concerned when he received a letter from Halifax which said that it had paid the money from Mrs P's account to another bank account. Mr P didn't know where the money had gone. But I don't consider it was Halifax's fault if Mr P's solicitor failed to tell him it had received the funds from Mrs P's account. If Mr P is struggling to access the money, it would be for him to discuss this with his solicitor.

I appreciate that Mr P is unhappy that Halifax has a different process depending on where the money is to be paid, but as our investigator explained, I can't interfere in this. I should say however that Halifax must ensure that it releases money to the right person. As solicitors are regulated and subject to strict controls, I can understand why Halifax is able to release higher balances without needing to see a GOP. I don't think this means that Halifax considers individuals like Mr P to be less trustworthy. It's simply that if something went wrong with the transfer of funds to a regulated entity, such as a firm of solicitors, a beneficiary would have more recourse to be able to put things right than if the funds were paid to an individual.

I consider Halifax treated Mr P in line with its usual process for dealing with the accounts of deceased customers. Halifax correctly told Mr P that it could not release the balance to him without a GOP but when it came to the solicitor he instructed, it was able to pay the money. As I don't consider Halifax made a mistake, I don't require it to pay any interest that Mr P may have lost out on or take further action in response to his complaint.

### **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 Mr P on behalf of the estate of Mrs P to accept or reject my decision before 24 December 2024.

Gemma Bowen  
**Ombudsman**