

The complaint

Miss M says Bank of Scotland plc, trading as “Halifax”, refuses to refund her for money she says is missing from her account. She is also unhappy that Halifax closed her account.

What happened

The facts of this case are well known to both parties, so I won’t repeat them in detail here.

In short, Miss M says she think Halifax stole money from her account and she would like it returned. She says action fraud confirmed this, but still no money has been returned. Miss M also says she is unhappy Halifax closed her account and would like them to reopen it and compensate her for the inconvenience caused.

Halifax says it is not clear what transactions Miss M is disputing, but it has not found any transactions on her account which she has not carried out herself. Halifax also says it closed her account in-line with its terms and conditions of the account, and it will not reopen it.

Our investigator considered the complaint and decided not to uphold it. Miss M didn’t agree so the complaint has been passed to me for a 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.

At this point I would like to set out that our Service was set up to informally resolve disputes when things go wrong. And we do this by putting the consumer back in the position they would’ve been in had things happened as they should have. We were not set up to punish financial providers for any wrong doings and we cannot instruct them to change their products or processes. Furthermore, my role is to consider Halifax’s position as much as I do Miss M’s to reach a fair and reasonable outcome.

Miss M is adamant that money has been taken out of her account by Halifax staff. She says around £100 was taken and this happened on 13 February 2023. However, she also says action fraud told her it was more like £200. I’ve seen that on the same day she visited a branch of Halifax. But I cannot reasonably ask Halifax to return any money to Miss M without persuasive evidence that Halifax did anything wrong.

I’ve looked through the statements provided by Miss M and can see that she often added and withdrew money in person in branch. She says she usually deposited £200 every month into the account, and from the statements I have from January to March 2024, I can see this is the case. However, having looked at the statement information, the figures add up and I can see Halifax sent a cheque for the remaining £1,629.82 when the account closed. Miss M says she was told she had £1,700 in her account, and I can see from her account that on 1 March 2024 she did have £1,700 in her account. However, it looks like she withdrew money after this and was left with £1,629.82 when the account closed later in March.

Miss M hasn't identified any of the actual transactions from her account as fraudulent, so I've not investigated any one transaction in specific. However, from what I've seen, there is no evidence Miss M is missing £100 or even £200 according to the debits and credits from her account. So, it wouldn't be reasonable for me to ask Halifax to refund her any money without evidence of any money missing.

Miss M also complains Halifax unfairly closed her account, stating she had been abusive to staff. Miss M is adamant that she was not rude to the staff. However, Halifax is within its rights to close any account it deems necessary, and that is a business decision. And in this case, I've seen notes from the branch visit on 13 March 2024. I've also seen notes from an enquiry sent to the branch manager about why the account was closed. Both pieces of evidence suggest Miss M displayed abusive, threatening, and aggressive behaviour towards the staff. I wasn't present at the time to say for sure what happened, but it seems likely from the evidence that the staff at Halifax were not comfortable with the way Miss M behaved. Halifax made the decision to close her account with immediate effect, as they have a zero-tolerance policy for such behaviour, and I don't think this is unreasonable. So, I don't think Halifax has to do anything further here.

I know this outcome will come as a disappointment to Miss M but for the reasons outlined above, I am not upholding this complaint. I understand Miss M is facing financial difficulties and has some vulnerabilities. However, I haven't found any evidence to suggest Halifax has done anything wrong.

My final decision

I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 12 March 2025.

Sienna Mahboobani
Ombudsman