

The complaint

The family of the late Mr B (represented by Mr W) complain about the contact they received from Barclays Bank UK PLC trading as Barclaycard in relation to the accounts of the late Mr B, despite them requesting such correspondence to stop given that they were in the process of obtaining a grant of probate.

What happened

The late Mr B passed away on 8 October 2023. On 11 October 2023 Mr W contacted Barclays and advised them that he understood that Mr B held two accounts. The Barclays agent identified two personal Barclaycard accounts and advised Mr W that these would be updated and closed. Barclays took Mr W's details and agreed that he would be updated as the point of contact. The agent acknowledged that it would take some time for probate to be obtained and the estate settled and said that Barclays would send letters around every 3 months requesting an update.

Barclays only updated one of the accounts with Mr W's details. The other account was updated with "The Executor" using the address held on record for Mr B. Barclays sent letters for both accounts in October 2023 and again in January 2024. The letters addressed to "The Executor" were received by Mrs B, who found them distressing.

Mr W raised a complaint with Barclays. He was unhappy about letters and calls which had been sent and made to Mrs B. He also said he'd experienced difficulties using the automated service to reach the Bereavement Team at Barclays.

Barclays issued a response on 25 January 2024. It acknowledged that it hadn't updated all of its records and that as a result of the error, Mrs B had continued to receive letters and calls. Barclays said it hadn't made any calls in relation to the personal Barclaycard accounts and said the calls were in relation to Mr B's commercial account, which was managed by a separate area within Barclays Group. It said this may be the reason why the business account wasn't updated when they were first notified of Mr B's passing. Barclays acknowledged the distress and inconvenience caused by the letters and calls and credited Mr W's bank account with £450, which included £250 offered to Mrs B.

Mr W complained again in February 2024. He said he'd received multiple letters requesting a copy of Mr B's death certificate even though this had already been provided.

Barclays issued a response on 9 February 2024. It apologised for the error and for the upset and frustration caused. It said that it had now updated all of Mr B's records and had arranged for £150 compensation to be transferred to Mr W's bank account.

Further letters were sent to "The Executor" and received by Mrs B in connection with the accounts. Mrs B has said that she felt pressured into making payments as a result of these letters.

A Grant of Probate was issued on 9 March 2024.

On 16 March 2024 Mrs B wrote two letters to Barclays. She said she'd been informed that probate had been issued and enclosed (in her first letter) a cheque for £6,535.05 for Mr B's personal credit card account and (in her second letter) a cheque for £1352.19 for Mr B's business credit card.

In April 2024 Mr W complained about further correspondence. He requested a full refund of the sums paid and said that because probate hadn't been granted, he didn't believe the family had needed to pay anything.

Barclays issued a response on 3 May 2024. It apologised for the further correspondence which had been sent to Mr W and Mrs B and said it was upholding this aspect of the complaint. Barclays offered £200 compensation to apologise for the upset and inconvenience caused. In relation to the sums paid on 16 March 2024, Barclays confirmed receipt of both cheque payments and said it couldn't agree to return these as the balances were legitimate and the estate was liable to pay the debt.

Mr W remained unhappy and brought the complaint to this service.

Following the referral of the complaint to this service, Barclays offered a further sum of £200. It said it was doing this because it had sent further correspondence regarding a third personal account of Mr B which had been overlooked when the complaint was first managed. It said it had now cancelled the balance of £550.93. Barclays also acknowledged that it had taken longer to respond to this service than it should have done.

Our investigator thought the offer made by Barclays was fair. He said the total compensation of £1000 was in line with this service's approach.

Mr W didn't agree. He said the investigator had failed to consider the calls which had been made to Mrs B between October 2023 and January 2024 which she'd found intimidating. Mr W said that as a result of these calls, Mrs B had been on the verge of paying the debts from her own finances, despite being under no legal obligation to do so. Mr W said it was only following advice that Mrs B had decided not to do so, but that she remained feeling pressured and worried. Mr W also said that Barclays had made calls and sent letters before probate had been granted, which could have led to serious consequences. Mr W said the compensation offered wasn't proportionate to the stress and upset caused by Barclays' actions.

Our investigator carried out further investigation into the calls. Barclays located two call recordings, one on 29 November 2023 and one on 10 January 2024. Both calls were inbound calls from Mrs B to the Commercial Cards Team in relation to amending records. Barclays said it hadn't made any calls out to Mrs B.

Mr W said he'd spoken to Mrs B and that she was adamant that the number of calls were greater than two. Mr W provided the dates and times of calls received. Four of these took place in December 2023 and two were in January 2024. Mr W said that Mrs B recalled other calls but the records on her handset only went back to 30 November 2023.

Barclays was asked to comment on the call records. It said the number from which the calls were made was the Barclays Financial Assistance Team, but it had been unable to locate calls made on the dates provided by Mr W. Barclays said that if the calls had been made by the Financial Assistance Team as the number suggested, it was likely that the call would've been generated by the automated dialler of which there would be a record on the Debt Management System. Barclays said it had checked the system and it hadn't been able to locate any calls made to Mrs B on the dates provided.

Our investigator issued a further view in which he said that on the balance of probability, it was unlikely that any calls made by Barclays to Mrs B were inappropriate. He said that although he agreed that Barclays had made errors in the way they had handled things overall, he remained of the view that the compensation of £1000 offered was fair.

Mr W didn't agree so I've been asked to review the complaint.

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 know that it will disappoint Mr W, but I agree with the investigators opinion. I'll explain why.

I've read and considered the whole file, but I'll concentrate my comments on those points which are most relevant to my decision. If I don't comment on a specific point, it's not because I've failed to take it on board and think about it, but because I don't think I need to comment on it in order to reach what I think is the right outcome.

Barclays has acknowledged that it made errors following Mr B's passing which caused distress to Mr B's family. Barclays has acknowledged (amongst other things) that it sent letters addressed to "The Executor" to Mrs B, when it had previously agreed that Mr W would be the only point of contact, that letters had been sent to Mrs B in relation to Mr B's commercial account, that repeated requests had been sent to Mr W for the death certificate when this had already been provided and that other correspondence in connections with sums due on the accounts had been sent to "The Executor" at Mrs B's address when it shouldn't have been.

Barclays has acknowledged these errors across three separate final response letters and (at the point of referral of the complaint to this service) had offered compensation totalling £800. That offer has now been increased to £1000 to reflect a further error when correspondence was sent about a third account which had been overlooked.

I understand that this was a very distressing time for Mr B's family. I don't doubt that the errors made by Barclays caused further distress. It's unfortunate that Mrs B received correspondence despite Mr W specifically requesting that he would be the point of contact for Barclays so that Mrs B would be protected from having to deal with administrative matters at such a difficult time.

I acknowledge the point made by Mr W which is that most of the correspondence was sent whilst probate was still being obtained. Mr W has said that the bank knew – or ought to have known – that a grant of probate was awaited and that sending letters designed to elicit payment before a formal grant of probate could've had serious consequences if the executors had made payment. Mr W made the point that Mrs B felt pressured by these letters and almost made payments from her own resources. I've reviewed some of the letters which were sent by Barclays, and I agree with Mr W that these were likely to have made Mrs B feel pressured into making payments. For example, a letter from Barclays Commercial dated 19 February 2024 addressed to The Executor (and received by Mrs B) is headed "You're behind with your payments", encloses a Notice of Sums in Arrears and requires The Executor to call a number to discuss the arrears.

I agree with Mr W that letters of this nature shouldn't have been sent until a grant of probate had been obtained. In its first final response dated 25 January 2024, Barclays said that commercial accounts were managed by a separate area of the Barclays Group and acknowledged that the business account might not have been updated when the bank were

first notified of Mr B's passing. It isn't clear from the information I've seen exactly when the business account was updated, but I would've expected this to have been done (at the latest) by the time the first final response was sent, so I don't think there can be any reasonable explanation for the letter dated 19 February 2024 to which I've referred above being sent (a) to Mrs B and (b) before the grant of probate had been obtained.

I've had regard to all of the errors made by Barclays when considering whether the compensation offered is fair and reasonable. The award of compensation isn't an exact science. It isn't designed as a way to punish a business for its errors or incompetence but should instead reflect the distress and inconvenience caused as a result of the errors made, as well as any direct financial loss (if relevant). In the current complaint I've taken into account that Mrs B and her family are likely to have been caused more distress as a result of the errors than might usually be the case where administrative errors have occurred, because they had recently suffered a bereavement.

Having considered everything I agree with the investigator that £1000 is a fair and reasonable amount of compensation to reflect the distress and inconvenience caused to the late Mr B's family. I don't agree with Mr W when he says that the sums paid to Barclays on 16 March 2024 should be refunded as part of the resolution. Based on what I've seen, these sums were paid to settle legitimate debts of the estate and were paid after the grant of probate had been issued.

I'd like to address the issue of the calls made to Mrs B which Mr W has said were intimidatory in nature. Barclays has acknowledged in its final response dated 25 January 2024 that calls were made to Mrs B in relation to Mr B's commercial account. However, more recently it has said that it hasn't been able to locate any calls made with Mrs B other than two incoming calls. Mr W has provided call records which show that incoming calls were received by Mrs B from what appears to be accepted as the Barclays Financial Assistance Team. In the absence of any call recordings (other than the two incoming calls I've referred to above, which I've listened to and which I'm satisfied aren't intimidatory in nature), I haven't been able to make a full assessment of the calls. Based on the evidence I've seen, I'm persuaded that it's more likely than not that Mrs B did receive other calls from the bank. I don't think it matters which department these calls emanated from. The real issue is whether any of the calls were intimidatory and (if so) whether this should be a reason to increase the compensatory award.

I've thought about this as I know it's something that Mr W feels very strongly about. However, based on the evidence available to me, there isn't enough to enable me to make a finding that the calls were intimidatory. To conclude, I'm satisfied on the balance of probability that further calls were made over and above the two that Barclays have been able to provide recordings for. But the making of calls in itself isn't a reason to increase the compensatory award here. And I can't be satisfied – based on the evidence available – that the calls were intimidatory.

Putting things right

To put things right, Barclays Bank UK PLC trading as Barclaycard must pay total compensation of £1000 to the estate of Mr B. This sum (less credit for any sums already paid) should be paid to Mrs B.

My final decision

My final decision is that I uphold the complaint. Barclays Bank UK PLC trading as Barclaycard must pay total compensation of £1000 to the estate of Mr B.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B and Mrs H and the estates of Mr B and Mr B to accept or reject my decision before 5 February 2025.

Emma Davy
Ombudsman