

The complaint

Mr P complains Bank of Scotland plc trading as Birmingham Midshires has money that belongs to him.

What happened

Mr P says he was flooded out of his home. In addition, he says in 2024 that two savings passbooks emerged from his files after flood damage. He says one of them showed he had £4,000 in 1996 and the other showed he had £202 in 1998. More importantly, he says neither book showed signs of closure. He says he contacted the relevant building societies in April 2024 to ask them about his funds but they were of no help. He says he contacted Birmingham Midshires in relation to the account with £4,000 in it.

In August 2024, having got nowhere with the building societies in question, Mr P contacted our service asking for help. He said that the money in the accounts was part of his planning for retirement.

We let Birmingham Midshires know that Mr P had complained and they looked into his complaint. Having done so, Birmingham Midshires said that it did not have any record of Mr P's account meaning that it had either been closed because it had become dormant – in which case he might have a claim – or closed more than seven years earlier.

One of our investigators looked into Mr P's complaint – since he was unhappy with Birmingham Midshires' response – and said that they didn't think that Birmingham Midshires had done anything wrong. Mr P wasn't happy and so asked for his complaint to be referred to an ombudsman for a decision. His complaint was, as a result, passed to me.

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.

Mr P has given three different dates for when he was flooded out of his home, namely 2000, 2002 and 2015. In addition, there's a suggestion in one of his emails that he's been flooded twice. He's also said that two passbooks he found emerged in 2024 from files after flood damage. Either way, it's clear that these passbooks didn't emerge for at least ten years, possibly more.

Whilst I accept that the passbooks don't show signs that the accounts in question were closed, that doesn't mean that the accounts in question weren't closed – either by Mr P or as a result of the accounts becoming dormant. That's because the passbooks wouldn't have been needed if the accounts were closed by Mr P many years ago, nor would they necessarily have been updated. In other words, they would simply show what the balance of Mr P's account was in 1996 or 1998 – there are two passbooks here. The same is true if the accounts were made dormant. So, the fact that Mr P has these passbooks doesn't by itself prove that Birmingham Midshires has his money – it's only a starting point.

I'm satisfied that the search Birmingham Midshires carried out resulted in no records being found which, given that Birmingham Midshires deletes any records of accounts seven years after they close, means that the account which had £4,000 in it in 1996 must have been closed more than seven years ago. What is less clear, however, is whether the account in question was closed due to dormancy or Mr P. I can, however, see that Birmingham Midshires – and our investigator – has explained the process Mr P has to go through if the account in question was closed due to dormancy. For that reason, I agree that Birmingham Midshires doesn't need to do more.

In short, I'm satisfied that the account in question was closed more than seven years ago and that at best Mr P has a claim under the dormancy rules.

My final decision

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 15 April 2025.

Nicolas Atkinson
Ombudsman