

## **The complaint**

The estate of Mrs D complains TSB Bank plc has lost a sealed package left in its custody which contained important and irreplaceable documents.

## **What happened**

Mrs D and her husband trusted TSB to keep a sealed package of important and irreplaceable documents safe for them. They paid a fee for this service.

Mrs D's husband passed away in 2009. Mrs D passed away in 2023.

The executors of Mrs D's estate contacted TSB about, amongst other things, the sealed package. TSB accepts that it gave the executors some incorrect information initially – saying, for example, that a third-party company held the package – and that it took too long to deal with the estate's query. TSB initially offered £75 in compensation and then £500 having accepted that it looked like the sealed package had been lost / damaged whilst it was stored with it.

The estate of Mrs D was unhappy with TSB's response and complained to our service. The executors asked for over £17,000 in compensation including £1,500 by way of a punitive payment, £2,400 for the 40 hours they executors had spent dealing with this matter, £10,000 for the value of the lost items, £3,000 for the distress the executors have been caused and a £420 refund of fees.

Our investigator looked into the estate's complaint and explained how we approach awards. Having done so, they said that they thought the compensation TSB had offered was fair. They didn't, therefore, recommend that this complaint be upheld. The estate was unhappy with our investigator's recommendation and asked for its complaint to be referred to an ombudsman for a decision. The estate's 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.

Based on everything I've seen I'm satisfied that there was a major flood near the branch where Mrs D's sealed package was stored and that this flood damaged items in that branch's storage room as this was underground. I'm satisfied that the items damaged included two packages whose owners can't be identified because the damage is so bad. I consider it more likely than not that one of these packages is Mrs D's sealed package.

Based on everything I've seen I'm satisfied that the sealed package contained house deeds – which are almost certainly redundant now but which TSB has offered to pay for should the estate want a copy – and documents that help tell the story of Mrs D's life and that of her husband. The reason why I can be confident what the package contained – even though the last official record of what happened to it is over 15 years' old – is because Mrs D and her husband described the contents in detail. Those descriptions – which I have read – themselves contain a lot of information about the story of Mrs D's life and that of her husband. I can completely understand why the executors are so unhappy with TSB – given the nature of those documents. What I have to decide, however, is what this means in terms of what TSB should do to put things right in part with regard to what the estate has asked for.

I can see that the executors have asked for over £17,000 in compensation including £1,500 by way of a punitive payment, £2,400 for the 40 hours they've spent dealing with this matter, £10,000 for the value of the lost items, £3,000 for the distress they've been caused and a £420 refund of fees. Our investigator has already explained that our awards aren't meant to punish businesses and that when it comes to a complaint involving an estate that we can't, for example, make an award for distress to the executors or normally their time. They've also explained that in order to make an award for a loss we need evidence showing that a loss has been made. The £10,000 claimed appears to be linked to the fact that a book of Mrs D's life story and her husband is not possible without these documents and the difficulty of putting a value on such documents. I agree with our investigator that we'd need much more substantial evidence to make such an award. In addition, I go back to the remarks I made above about the description of the package containing a lot of information about the story of Mrs D's life and that of her husband. The story can perhaps still be told.

### **Putting things right**

Based on what I've said, I agree that the offer TSB has now made is a fair one. So that's the award I'm going to make as that will give the executors an opportunity to make TSB's offer legally binding should they wish to do so.

### **My final decision**

TSB Bank plc has already made an offer to pay an additional £425 to settle this complaint and I think this offer is fair in all the circumstances.

So my decision is that TSB Bank plc should pay an additional £425 to settle this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mrs D to accept or reject my decision before 25 February 2026.

Nicolas Atkinson  
**Ombudsman**