

The complaint

The estate of Mr M complains about TSB Bank plc in that they gave access to Mr M's accounts when they should not have done, As a result, there has been significant inconvenience and consequences. The complaint is brought by a representative of the estate, a relation of Mr M, who for ease of reading I'll refer to as X.

What happened

I'm aware that to date, not only has an investigator provided a view on this complaint, but an Ombudsman issued a decision as to whether our service could consider this complaint. Therefore, as the events within this complaint have been documented more than once, I will aim to summarise the key points.

After the death of Mr M who left a will which instructed the estate proceeds to be distributed to only a certain number of the siblings, X says he went to a branch of TSB to register the death. X says the branch staff with whom he spoke said the death certificate was not immediately required and Mr M's account could remain open until probate was obtained. Around the period of Mr M's death, X made withdrawals from Mr M's account to cover expenses including those for the funeral, which X says he did for two reasons; it was an historic instruction from Mr M, and it was a lesson learned from when X dealt with a previous death.

Just under a year later, when two siblings of X went to a branch of TSB and did register the death, they discovered the withdrawals and regarding this as theft, one of the siblings wrote to X saying they would bring legal action unless an arrangement was made for all the siblings to receive an equal share of the estate. X raised a complaint against TSB about the fact that information was given to the siblings who X considered were not authorised to receive it, and that information was used against X. I do need to add that the matter was referred internally by TSB to their fraud team who investigated, with the result being that several transactions were refunded.

TSB looked into the complaint and issued final response letters saying whilst they did provide information to the siblings who registered the death, in doing so they had not done anything wrong.

X was not satisfied with TSB's response and after much communication, X brought the complaint to our service, so an investigator looked into it. Initially, due to an issue with multiple final response letters from TSB, it was uncertain whether our service could look into the complaint. However, it was decided by an Ombudsman that we could, therefore our investigator conducted a full investigation. Our investigator addressed X's points in detail which were the unauthorised access the siblings had from TSB, communication issues between X and TSB, fraud insinuations, and the refunds granted by TSB. Our investigator made it clear that in line with our service's rules, they could not investigate anything that fell

into complaint handling but in terms of X's other concerns, they did feel that TSB did not need to take any further action.

X remained unhappy with this outcome and requested an ombudsman 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'd like to reassure X I have looked at, and carefully considered both the information TSB has supplied, and everything that X has sent to this service. And I'd like to add my thanks to X for taking the time to submit all the evidence and testimony. I'd also like to add my condolences to those extended by our investigator.

Where evidence is incomplete, inconclusive or contradictory, I have to make decisions on the balance of probabilities – that is, what I consider is more likely than not to have happened in light of the available evidence and the wider surrounding circumstances.

Although I may not mention every point raised, I have considered everything but limited my findings to the areas which impact the outcome of the case. No discourtesy is intended by this; it just reflects the informal nature of our service. Furthermore, I'm aware that our investigator provided a good level of detail in their view, separating X's points for clarity.

I'm cognisant of the very emotive issues within this complaint which include family dispute, the death of a family member, and disagreement over a will. I'm also aware of the boundaries of this service, therefore I'm unable to comment on certain aspects which may involve the police and/or legal action. Additionally, as our investigator said in their view, our service cannot address any concerns X may have over how TSB handled the complaint, owing to the fact that complaint handling is not classed as a regulated activity according to the rules that bind us.

What our service can look at, and is the root cause of the complaint, is TSB's actions, and I want to highlight two points here. Firstly, I wanted to consider the visit that X says he made soon after Mr M's death to register it with TSB. X has said that he was left with the impression by the TSB staff member that the death certificate was not immediately needed, and the account of Mr M could remain open until probate was granted. I've thought carefully about this point and am persuaded to agree with the investigator that in terms of probabilities, I too would have expected the staff member, if presented with a notification of the death of an account holder, would have taken immediate action and followed process there and then, to register the death and place a hold on the account. Another factor that leads me to believe this, is that TSB took these actions when the siblings attended branch. Therefore, whilst I acknowledge that I wasn't present on the day, and I don't have the benefit of CCTV, my finding here is that it's likely X attended the branch although I can't be certain as to what exactly was discussed and agreed.

Regarding the visit of the siblings to branch to register the death, which was approximately a year after Mr M's death, I'm aware that this is the crux of X's complaint in that the information given unauthorised to the siblings by TSB was then used against X to influence the estate distribution. It does seem clear that transaction information was given, as TSB have confirmed this. And I believe it reasonable that they did so in the circumstances they were presented with. I know X has alleged that TSB provided statements to the siblings but as I've not seen any evidence to support this, I don't agree that any statements in question were provided by TSB in that visit, merely transaction information. And whilst I cannot be certain of facts, on balance of probabilities and in view of what I've reviewed, I'm persuaded that

statements were subsequently viewed from a source that remains unclear, which prompted correspondence to be sent to X, and other siblings.

I do empathise with X and the frustrations they experienced throughout this complaint, and I fully recognise their strength of feeling here. And on a personal note, I do sincerely hope that an amicable resolution is reached regarding the estate distribution going forward.

In summary, considering all the circumstances, I find TSB's actions fair and reasonable; and do not find them to be at fault. Therefore, I cannot fairly require TSB to do anything further.

My final decision

For the reasons I have given it is my final decision that the complaint is not upheld.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr M to accept or reject my decision before 10 March 2026.

Chris Blamires
Ombudsman