

The complaint

Ms H and Mr H complain that Bank of Scotland plc trading as Halifax have not provided notification of account options as Mr H reached adulthood. They further complain that Mr H's name cannot be removed from the account, causing tax issues.

As Ms H has dealt with most of the complaint I will refer just to her throughout for ease of reading.

What happened

Ms H opened a liquid gold account in 1987 for sole use. This account was later replaced in 2000 and again in 2005 when this became a trustee account, with Mr H added as a beneficiary.

Ms H states she did not receive notification from Halifax when Mr H turned 18, so the account continued as a trustee account.

Ms H moved overseas, and issues arose in relation to tax, so she contacted Halifax asking that Mr H's name be removed from the account and provided a signed document confirming he was happy with this.

Halifax advised as Mr H is the account beneficiary, his name cannot be removed, and they would need to close the account to do this.

Ms H is no longer a UK resident and is unable to open a new savings account, so she does not want to close the account.

Ms H brought the complaint to the service and an investigator looked into things. The investigator didn't think Ms H's complaint should be upheld.

The investigator advised due to the time passed since the account was set up, it is difficult to confirm what the account terms were at the time and whether notification was provided.

They also confirmed the account would remain in trust unless the customer decides what to do with the funds, so Halifax had acted fairly in keeping the account as it was.

Ms H didn't agree and said it was the responsibility of Halifax to evidence that they had sent notification when Mr H turned 18, as she would have acted if this had happened.

Ms H asked for an ombudsman to decide things.

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 this will come as a disappointment to Ms H, but I'm not upholding the complaint.

Ms H confirmed that in October 2005, her original account was replaced as the passbook had been lost in transit. She advised she added her son onto this account, to simplify inheritance matters.

The date and account roll number she provided match the information provided by Halifax who confirm this account was set up in trust with Ms H as the trustee, and Mr H as the beneficiary.

Based on this, I have no reason to doubt this account was transferred to a children's savings account and at this point, any funds then belong to the beneficiary. The trustee holds, manages and controls the account.

Due to the time that has passed since this account was transferred, I am unable to confirm the terms and conditions specific to the account, or whether Halifax adhered to them. Terms and conditions can be updated regularly and as this time period is longer than any required retention period, I would not expect Halifax to have kept any correspondence or terms that apply from that time.

Whilst I have been unable to determine whether Ms H was notified of her options as Mr H turned 18, I feel it's important to explain that Mr H's name could never have been removed from the account.

Mr H is the beneficiary of the account and therefore, I am satisfied the account and any funds within this belong to him, with Ms H as a trustee.

As I accept Halifax's position that Mr H is the owner of the account, Ms H may need to seek advice from the country she resides in regarding any tax arrangements.

Ms H has stated she is unable to prove that she didn't receive any notification regarding their account options. I agree and acknowledge her frustration at the situation.

It has been over twenty years since this notification would have been sent, and it is not unreasonable for Halifax to no longer have a record of this. Whilst our service reviews regulation, law and good practise, we must also assess what is fair and reasonable in the circumstances of the complaint.

I must also assess what is likely to have happened at the time and any circumstances that may have changed between now and then. Due to the length of time passed in this complaint, regulation and banking practise may have changed dramatically and I am unable to determine what action may or may not have been taken at the time.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms H and Mr H to accept or reject my decision before 20 March 2026.

Hannah Edmondson
Ombudsman