

complaint

Mr and Mrs N complain that Barclays Bank PLC lost documentation relating to their property, including pre-registration deeds.

background

Mr and Mrs N had a mortgage with Barclays and Mr N previously worked for the bank. He recalls seeing the documents at the bank in 1988. Following repayment of the mortgage, the bank initially said that it had been able to locate the deeds but it subsequently said that it could not find them. Mr and Mrs N say that the lost documents were historically interesting, covered an extensive period of time and related to an area known well by Mrs N.

The bank says that it made a thorough search and cannot find the documents. It offered to pay Mr and Mrs N £100 in relation to their distress and inconvenience. The adjudicator said that the offer was fair and reasonable but Mr and Mrs N did not agree. They said that the lost documents were very important to them and the bank should suffer for its incompetence by paying a realistic amount of compensation instead of the derisory amount it has offered. Mr and Mrs N reiterated that the lost documents cover an extensive period.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

I understand the disappointment and annoyance at the discovery that documents could not be found. However, the adjudicator is right to say that the original title deeds are no longer required in order for Mr and Mrs N to show ownership of the property. Therefore, it is not necessary to direct the bank to recreate the lost documents and I do not intend to do so.

I do appreciate that it is the historical pre-registration documents that had particular interest for Mr and Mrs N. They consider that the bank should be punished in relation to this matter. I am required to determine cases by reference to what I consider to be fair and reasonable in the individual circumstances of each complaint I determine. We consider complaints as an informal alternative to the civil courts; we do not make punitive awards but can award compensation for loss, distress and inconvenience.

In all the circumstances here, I consider that the bank's offer of £100 is fair and reasonable. In reaching that view, I have taken into account the nature of what has been lost and the duration and extent of the inconvenience this has caused.

Mr and Mrs N refer to taking further action against the bank. If Mr and Mrs N accept this decision, it will become legally binding. If they do not accept the final decision, neither they nor the bank will be bound by it.

my final decision

My decision is that Barclays Bank PLC should pay Mr and Mrs N £100.

Louise Povey
ombudsman