

## **complaint**

Mrs L has complained about the service that she has received from Bank of Scotland plc (trading as Halifax) following the death of her husband in 2008.

## **background**

Mrs L holds a mortgage and a secured loan with Halifax. Originally these were in the joint names of Mrs L and her late husband. Mrs L's husband died in 2008.

There was a delay on the part of Halifax in recording Mrs L's husband's death on the accounts and in removing his name from them. This was eventually done in 2009.

Mrs L went into arrears with payments to Halifax and Halifax instructed field agents to visit her. Charges in respect of these visits have been applied to the accounts. In addition, Mrs L says that Halifax has given incorrect information about the arrears to credit referencing agencies.

Mrs L applied to Halifax for consent to let the property in 2009. Halifax misplaced her application and consent to let was granted in 2011.

Before this complaint was referred to this service, Halifax had offered Mrs L £50 compensation in relation to the error regarding the application for consent to let. It had also agreed to refund charges totalling £104 that had been applied to the secured loan.

## **our initial conclusions**

Our adjudicator thought that the complaint should succeed, in part. He asked Halifax to refund three arrears charges totalling £105. In addition, he asked Halifax to increase the compensation for distress and inconvenience by £250 and to confirm that the charges applied to the secured loan had been refunded.

Halifax accepted our adjudicator's recommendation, but Mrs L did not and asked for her complaint to be referred to an ombudsman.

## **my findings**

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

It is apparent that Halifax did not deal with the registration of Mrs L's husband's death and her application for consent to let as efficiently as it should have done. Mrs L was entitled to better customer service than she actually received. I am satisfied that the sum of £300 is fair and reasonable compensation for the distress and inconvenience suffered by Mrs L as a result of Halifax's errors.

When Mrs L went into arrears with the payments due under her accounts, Halifax had an obligation to deal fairly with her. I do not think that I could reasonably conclude that the delay in recording Mrs L's husband's death caused or contributed to the arrears. Mrs L should have known the amount she was required to pay in respect of both accounts. In addition, I have not seen any evidence to show that Halifax gave incorrect information about the arrears to credit referencing agencies.

I do not think that Halifax acted unreasonably by instructing field agents to try to visit Mrs L. This was a reasonable way for Halifax to ascertain the reason for the arrears and to try to find a way forward.

I agree with our adjudicator that the three arrears charges applied to the mortgage account should be refunded.

**my final decision**

My final decision is that I uphold this complaint, in part. In full and final settlement Bank of Scotland plc should:

1. Pay Mrs L compensation of £300 for distress and inconvenience. (Bank of Scotland plc may deduct £50 from this payment if the cheque that it has already sent to Mrs L for this amount has been cashed).
2. Refund charges of £105 to Mrs L's mortgage account together with any interest applied to the account in respect of those charges.
3. If it has not already done so, refund charges of £104 to Mrs L's secured loan account together with any interest applied to the account in respect of those charges.

Charles Bacon  
**ombudsman**