

## **complaint**

Mr M complains that Bank of Scotland plc (trading as Halifax) failed to send him a new PIN which meant he couldn't access funds in his account.

## **background**

In March 2018 Mr M lost his bank card and asked Halifax to send him a replacement. He complained to Halifax as he received the card but not the personal identification number (PIN). He said he'd asked the bank four times for a new PIN. Mr M said he didn't have access to his account and couldn't use the ATM.

Halifax agreed to send the new PIN to a local branch but when Mr M visited he was told the PIN hadn't come. So he complained again to Halifax. Halifax accepted that it had made an error as it can't send PIN numbers to branches. In recognition of this and some issues related to his online access Halifax refunded a total of £42 for call costs and £135 for the distress and inconvenience.

Mr M had still not received a new PIN so he brought his complaint to this service. He said he'd had to take out a loan of £2,000 because he didn't have access to his account. Our investigator felt that the compensation Mr M received was fair and reasonable under the circumstances. She was also satisfied that Halifax had posted the PINs to the correct address for Mr M.

The investigator reviewed Mr M's statements and was satisfied that Mr M had been able to make payments from his account since the issue with his card. She couldn't find evidence to indicate that Mr M taking out a loan was a direct result of him not receiving his PIN. She also noted that Mr M could've withdrawn money using the bank telephone service.

Mr N didn't agree and asked for a final decision from an ombudsman. He maintains that Halifax was responsible for him having to take out the loan.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I realise this will come as a disappointment to Mr M but having done so I find that I agree with the investigator.

Halifax has accepted that it gave Mr M incorrect information regarding sending a PIN to the branch and has compensated him for it. I've seen a report from the bank that confirms PINs were issued on 13 March, 23 March, 3 April and 9 May. I've also checked the address that Halifax has on record and it does appear that the PINs were sent to the correct address on Mr M's file. So I'm persuaded that the PINs were indeed sent to Mr M.

I don't know why Mr M hasn't received these PINs but unfortunately I can't hold Halifax responsible for Mr M not receiving them. So I'm satisfied that £135 for the distress and inconvenience and £42 for call costs, which includes some provision for issues related to his online account access, is fair and reasonable for the incorrect information given to Mr M.

Mr M has said that he had to take out a bank loan for £2,000 as a direct result of not receiving the PIN. I'm not disputing that Mr M took out this loan although I've not seen any evidence of it and the money was not paid into his Halifax account. I've reviewed the activity

on this account before and since the issue about his card occurred. The statements I've reviewed go as far back as June 2017, some nine months before the issue of a new card.

It appears to me that Mr M's pattern of spending on the card has not changed since June 2017. There are very few cash point withdrawals and these occur on 8 December, 11 December and 2 March. There are also regular transfers to named individuals. But the rest of the transactions, a significant number, are to online gambling companies. And I'm satisfied that there is no noticeable change in this spending behaviour since Mr M received his replacement card.

I have also noticed that funds are deposited in Mr M's account regularly. The account goes to zero or close to zero frequently before there is a deposit and hasn't gone overdrawn. This indicates to me that Mr M is using the account regularly and is monitoring his balance and is aware of when he is low on funds. The account doesn't appear to be used for living expenses such as food, accommodation or utility bills and Mr M hasn't regularly or frequently been using this account for withdrawals that require a PIN. So it's not clear to me why Mr M took out a loan and I can't fairly conclude that the reason Mr M needed to take out a £2,000 was as a direct result of not receiving a PIN.

Mr M has said that he couldn't take money out from a branch because he'd lost his passport and had no identification. I am sorry to hear this but again I can't in fairness hold Halifax responsible for the fact that he had lost his identification. The investigator said that Mr M was able to make withdrawals by transfer over the phone but Mr M said he wasn't aware he could do that nor was he told this when he spoke with Halifax. I've looked at the terms and conditions of the account and I'm satisfied that this information was available to Mr M.

In allowing Mr M to withdraw money over the counter at the branch with identification and to make transfers through phone banking I consider that Halifax has provided Mr M with reasonable access to funds. I'm satisfied that Halifax has acted in a fair and reasonable way and so will not be asking it do to anything further.

### **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 Mr M to accept or reject my decision before 21 September 2018.

Maxine Sutton  
**ombudsman**