

complaint

Mrs P complains that HSBC Bank plc is pursuing her for money due on a joint account she had with her late husband. She says she was not aware of the debt.

background

Mrs P's joint account that she held with her husband had an overdraft facility. She says that she did not agree to the overdraft being increased to £25,000 and that she was not aware of this debt until after her husband's death.

The bank says requests regarding an overdraft facility on a joint account can be made by either account holder. It says that it agreed an increase in the overdraft amount to £25,000 in January 2012 and that this was to revert to £5,000 in March 2012. It says this was agreed based on information provided by Mr P about investments held offshore.

The bank says that it contacted Mrs P both jointly with Mr P and individually about the joint account. It says the account was passed to debt collectors in 2012 after letters had been sent to Mrs P informing her of the account position. It says that both Mr and Mrs P were responsible for the money owed on the account and that when Mr P died the debt became owned by Mrs P individually.

The debt was sold to a debt company in March 2014.

The adjudicator said that because the account was in joint names, HSBC was entitled to recover the funds from Mrs P. He said that the bank sent letters about the outstanding amount on the account to each account holder and that although he understood Mrs P's late husband withheld letters from her he did not find that the bank did anything wrong.

Mrs P said that the bank's decision to increase the overdraft on the joint account to £25,000 should not have happened without her involvement. She said that her late husband withheld information from her and she was unaware of this debt. She also said that the investment information provided by Mr P to support the overdraft increase was his pension fund and would not have been available until he retired and therefore the overdraft should not have been increased based on this.

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 understand the difficult circumstances Mrs P is facing following her husband's death. My role is to decide whether the bank has done anything wrong in pursuing Mrs P for the outstanding debt.

The outstanding debt is on an account originally opened as a joint account. This means that that Mr and Mrs P were both responsible for the account. When Mr P died, the account became the responsibility of Mrs P. While I understand Mrs P's comments about information being withheld from her about the account, I do not find it unreasonable that the bank transferred the account to her name when it was told of Mr P's death.

Mrs P says that she was not aware of the debt on the account. However, having looked at the bank's notes, I can see a meeting to discuss investment options with Mr and Mrs P in January 2012 which record a debit balance on the joint account at that time of over £20,000. I have also seen copies of letters sent to Mrs P individually setting out the position on the account, as well as those addressed jointly to Mr P and Mrs P. Therefore I find that the bank did do what was required to inform Mrs P of the situation on the joint account.

Mrs P says that the overdraft should not have been increased. I understand Mrs P's concerns that the overdraft was allowed to increase and that spending was not blocked. However this was a commercial decision made by the bank and having looked at the information provided I do not find I can say that the increase was irresponsible. The debt has been sold to a debt company and so Mrs P will need to discuss her repayment options with that company.

Overall, I do not find that the bank has done anything wrong.

my final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs P to accept or reject my decision before 21 December 2015.

Jane Archer
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