

complaint

Mrs K complains about how long it took Ulster Bank Ltd to transfer her savings in advance of her buying her property.

background

Mrs K opened her account with Ulster Bank in June 2017. At the time, a card reader was supposed to be sent to her but this didn't happen.

During this time Mrs K was in the process of buying a house and the date for completion was set for 17 August. Mrs K needed to have her deposit of around £62,000 ready by that date, so about a month before completion she asked Ulster Bank what the process was for withdrawing this money. She was given several options, and for the next few weeks tried varying ways to get access to her money.

Ulster Bank suggested a number of options to withdraw the money but, as a result of system errors which the bank was experiencing, these didn't work. Eventually, Mrs K was told that the only way to be able to withdraw the full amount was to close her account. So she wrote to the bank around 7 August 2017 to request this – but by 11 August (Friday) her money still hadn't been released. So she was told to visit an associated branch, where she explained the issues she had experienced. After a number of hours, a CHAPS transfer was eventually arranged. But as the cut-off time for CHAPS had passed, the transfer would take an additional day.

By 14 August, three days before completion, Mrs K still hadn't received her funds. Worried that she would miss the completion date, and unable to raise the funds she needed through other means, her husband obtained a director's loan from his company. On 15 August Ulster Bank released Mrs K's funds, but by that stage the director's loan was already in place.

Mrs K complained about all this, and one of our investigators considered her complaint. In short, she thought that Mrs K had suffered a significant amount of trouble and upset. And she thought that Mrs K's attempts to obtain the funds using other methods when the money hadn't been received on 14 August was reasonable. So she recommended Ulster Bank pay Mrs K £750 compensation for the trouble and upset its actions caused her.

As Ulster Bank had already paid some compensation, it agreed to pay Mrs K £481.40 which would bring the total amount paid to her to £750.

Mrs K didn't agree – she felt Ulster Bank should pay her £1,000 to cover the interest and fees she and her husband were having to pay for the loan. So she asked for an ombudsman to review her complaint and make a decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I agree with the investigator's overall conclusions and for broadly the same reasons.

I should firstly say that I acknowledge and completely understand the trouble and upset Ulster Bank's repeated errors caused Mrs K, at what can very often be a stressful time. And three days from completion she understandably felt she couldn't have faith in Ulster Bank transferring the money in time.

And I've very carefully considered Mrs K's reasons for wanting the total compensation amount to be £1,000. She has explained that a director's loan was the only way to be sure they had the funds needed for completion, and it's not fair that she now has to pay the interest and the admin fee that went with it – when if Ulster Bank had acted as it should've done, she would've had her money well in advance. And I understand her point that although her husband is the one named on the loan documents, her arrangement with him is that she's responsible for the interest and fees.

However, I'm not persuaded it would be fair to ask Ulster Bank to pay for a financial loss that she hasn't actually incurred, or that she's not legally liable for. It did, in the end, transfer the money to Mrs K in time for completion. And I'm not persuaded that her being responsible for a third party's loan is a loss that I can fairly say Ulster Bank could have anticipated or foreseen. So while I appreciate that Mrs K may have felt that her husband taking out a director's loan was the only way to avoid missing the completion date, I'm not persuaded it would be fair to ask Ulster Bank to pay for the interest or the admin fee involved in that.

As I said at the outset, though, I *am* persuaded that Mrs K has suffered a significant degree of trouble and upset. And I agree with the investigator that fair compensation for this would be a total award of £750. I understand that Ulster Bank has already paid some compensation to Mrs K during the complaints process.

I appreciate Mrs K might be disappointed by my decision, but I hope she understands my reasons and that I've only come to this decision after careful thought and consideration of the issues.

my final decision

My final decision is that I uphold Mrs K's complaint.

Ulster Bank Ltd must ensure it has paid Mrs K a total sum of £750, including any sums or vouchers previously paid to her. I understand it has already paid Mrs K £268.60. Therefore it must pay her the balance of £481.40 within 28 days of when we tell it Mrs K accepts my decision.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs K to accept or reject my decision before 11 June 2018.

Alessandro Pulzone
ombudsman