

## **complaint**

Mr T complains the Nationwide Building Society stopped his cheque book without telling him. He complains he's lost out financially because the cheque he used to pay money into an ISA was returned. He wasn't able to make a new payment by the end of the financial year and he feels the society is responsible for that.

## **background**

In October 2012 Mr T went into branch to explain he had mislaid his cheque book at home. The society issued him with a new cheque book.

Mr T found the cheque book some time later. He used it to pay £15,000 into an ISA for the tax year 2014/2015. But the cheque didn't go through because the society had stopped the cheque book in 2012. By the time Mr T found out it was too late to invest in the ISA as the financial year had ended. He estimates he's £1,500 out of pocket.

Mr T complained to the society. He says he didn't tell the society the cheque book had been lost or stolen. He says the society didn't tell him he could no longer use it. So he believes the society is liable for his losses.

The society said when Mr T told it he had mislaid his cheque book it had marked it as lost, so the cheques couldn't be used. It says it would have told Mr T this at the time. It didn't accept it had done anything wrong and didn't offer Mr T any compensation.

Our adjudicator thought the society would have told Mr T that he could no longer use the cheque book. He didn't think the society had done anything wrong so wasn't liable for Mr T's losses.

Mr T disagrees. He doesn't accept that there's enough evidence to support what the society says. He says if he had been told the cheque book had been cancelled he wouldn't have used it.

## **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've taken into account that Mr T says he told the society the cheque book had been mislaid at home. But I think it's likely the adviser took this to mean that the cheque book had been lost and marked it as such on the system. So it's likely there was a misunderstanding at the time. But I don't think the misunderstanding is the society's fault. This is because I don't think it's unreasonable for the society to think that 'mislaid' and 'lost' mean the same thing. So I don't think the society did anything wrong when it marked the cheque book as lost on its system.

Mr T says he wasn't told he could no longer use the cheque book. But the society says its adviser would have told Mr T the cheque book had been stopped. Where the evidence is contradictory, I have to decide what I think is most likely to have happened.

The society says Mr T's branch is aware of the procedure that needs to be followed when a cheque book is reported as lost. And I can see the branch did follow the correct procedure.

The branch marked the cheque book as lost on the system, stopped the cheque book and issued a new one. The only issue is whether it told him Mr T he could no longer use it.

I can understand that Mr T believes that his recollections are clear. But around three years have passed since he went into branch, so I think it may well be that he was told the cheque book would be unusable and forgot about that when he did eventually find it. I have also taken into account that the society says the branch was aware of the procedure and I think it followed it in all other material respects.

So I think it's likely the society told Mr T he could no longer use the cheque book because it had been reported as lost.

I can see that Mr T wants the society to put the money into one of its own ISAs for the 2014/2015 financial year. But the society can't do that because Her Majesty's Revenue & Customs rules prevent this. But as things stand Mr T is still be able to shop around for the best rate of interest for his money.

I know Mr T will be disappointed but I don't uphold his complaint.

#### **my final decision**

My final decision is that I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 9 November 2015.

Elena Feeney  
**ombudsman**