

## **complaint**

Mr C complains that Bank of Scotland plc (trading as Halifax) did not remove his name from the joint account he held with his ex-wife, despite several requests. The account is overdrawn and Mr C is being pursued for the outstanding balance. Mr C disputes that he is responsible for the account being overdrawn and says that he has suffered considerable distress and inconvenience.

## **background**

Mr C says that he first requested that his name should be removed from the account in November 2011. He says he was told that he would have to put the account into credit before his name could be removed, which he did. A marker was not placed on the account until May 2012. During this period the account became overdrawn.

The adjudicator did not recommend that the complaint should be upheld. She concluded that Halifax was entitled to pursue Mr C for the debt. After he had asked for his name to be removed from the account, Mr C continued to pay money into the account and withdrawals were made from it using his debit card. The adjudicator concluded that Halifax had acted fairly and reasonably by refunding the £555 in charges and paying Mr C £130 for distress and inconvenience caused. Mr C disagrees and believes he should not be pursued for the debt, he believes that his ex-wife is solely responsible for the outstanding balance on the account.

## **my findings**

To decide what is fair and reasonable in this complaint, I have considered everything that Mr C and Halifax have provided. Having done so, I agree with the conclusions reached by our adjudicator for the reasons given.

Halifax says that it does not have a record of Mr C requesting that his name be removed from the account before May 2012. Despite this, Halifax accepts that it could have done more by placing a marker on the account sooner. As a result, it refunded charges from the time Mr C says that he informed the bank he wanted his name to be removed from the account. Mr C says he should not be pursued for the debt. However, I cannot fairly conclude, based on the bank account statements, that Mr C did not benefit from the money withdrawn from the account after requesting that his name was removed. He accepts that he continued to pay money into the account for the benefit of his children but disputes that he was responsible for any debit card withdrawals.

Mr C says that his ex-wife had his debit card; but there is no indication that he sought to have the card cancelled. I find that Halifax's refund of £555 in charges is fair and reasonable. I have sympathy for Mr C who is now being pursued for a debt which he denies responsibility for. It is open to Mr C to reach a financial settlement with his ex-wife to decide who is ultimately responsible for the debt. It is clear that this matter has caused Mr C distress. I find however that the £130 already paid to Mr C is fair and reasonable in all the circumstances of this complaint.

## **my final decision**

My decision is that I do not uphold this complaint.

Michael Ranaghan  
**ombudsman**