

complaint

The late Mr F had an account with Barclays Bank PLC. Mr F's daughter, Ms F, is the executor of his estate, and she brings this complaint. She has recently found the statements for the account and would like Barclays to pay the money.

background

Ms F says that her parents lived in one country and she lived in another. She was looking after her parents' joint savings account for them up until 1978, but then the bank wouldn't accept any more instructions from her after she changed her name on marriage. The bank didn't know whether the married name and the maiden name belonged to the same person, and wanted her father to confirm that. Ms F says she wasn't able to ask her father to do that, and the account was just left and forgotten about. Her mother died, and then her father died some years ago. Ms F has now found the old bank statements. She wants Barclays to pay her back the money that was in the account.

Barclays said that it thought that the ombudsman service couldn't consider the complaint, because Ms F had known about the account since 1991, when her father died, but hadn't done anything about it. It also said that it had searched, but it had no record of this account. And it said that it had taken a long time to get back to Ms F about this, so it would like to pay Ms F £100 to say sorry for that.

Ms F didn't think her complaint was out of time. She said she had forgotten all about the account, and only remembered in 2014 when she found the bank statements.

my provisional decision

I issued a provisional decision on this complaint and explained why I didn't propose to uphold it. I concluded, in summary:

- I agreed with Ms F that her case wasn't out of time. Ms F just forgot about the account. In a case like this time starts to run from when information about the account is found and the bank says that it can't locate the account. That was much less than six years ago. So I did think that we could consider Mr F's complaint.
- Barclays says it has searched, and can't find this account. Ms F says she is sure that Barclays must have some information about her father on computer, because she was asked some very detailed security questions about him when she first contacted the bank about his account. But I didn't think that meant that Barclays will still have an account in his name. I had seen Barclays' records, and I was satisfied that it had put a very considerable amount of effort into trying to find any record of Ms F's father's account, without success.
- The last Ms F knew of the account was in 1978. I knew that Ms F thought that her mother and father didn't do anything with this account, but that doesn't mean that this account was untouched by her parents between 1978 and when they died. Ms F says she wasn't able to ask her father to confirm that he still wanted her to operate the account for him between 1978 and 1991. But he may have asked someone else to help him. On balance, I thought it was more likely that either Mr or Mrs F took the money out of the account some time ago. So I didn't think that Barclays needed to pay this money to Ms F now.

- Barclays has said that it would like to pay Ms F £100 for the time it has taken to provide a response to her complaint. I left it to Ms F to decide whether she wishes to accept this. I knew Ms F would be disappointed, but I didn't think Barclays had to do more than that.

I invited the parties to make any final points, if they wanted, before issuing my final decision. Barclays had no further comment.

Ms F said that what Barclays had said just couldn't be true. She said Barclays wouldn't have asked her a series of security questions when she rang up, and wouldn't then have asked her to send statements from the account and a death certificate, if it didn't still have an account in her father's name. And she said banks keep details of accounts indefinitely, so Barclays should be able to tell her what had happened to the account her father used to have. She didn't think her father could have asked anyone else to help him, and anyway, if he had, the bank should have a record of that too. She said another bank had found her father's old account straight away, and she thought Barclays should be able to do the same.

my findings

I've reconsidered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I haven't changed my mind.

I would expect Barclays to ask a caller to prove who they are before it tells them anything at all about an account holder. And when someone is enquiring about the account of a deceased person, I would expect Barclays to ask for information about that account, and for evidence that the person who is asking is entitled to deal with the deceased person's estate. So I'm not surprised that Barclays asked Ms F some security questions, and asked her to send some information. It would need those things before it could tell Ms F whether or not it could find her late father's account.

I agree with Ms F that her father had an account with Barclays at some point. Ms F expects that this means Barclays should be able to tell her exactly what happened to that account, no matter how long ago it was. And because it hasn't done that, she thinks Barclays has something to hide. But I wouldn't expect Barclays to have full records of an account if it was closed many years ago.

I've considered what Ms F says about whether someone else could have helped her father to take the money out of his account. She doesn't think he would have trusted anyone else. I appreciate that Ms F has strong views about this, but I still think that Barclays has really tried to find Mr F's account, and has failed. In those circumstances, I think it's more likely that the account was closed some time ago, and Barclays no longer has records of it. So I still think that it's more likely than not that Mr F, or someone acting on his behalf, did close this account many years ago.

I know Ms F will be disappointed, but I don't uphold this complaint.

my final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms F to accept or reject my decision before 9 November 2015.

Esther Absalom-Gough
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