

## The complaint

Mr T complains Santander UK PLC cannot find his account and will not pay the balance, plus interest, shown on a passbook from 1992.

## What happened

The circumstances that led to the complaint are well known by both parties, so I won't repeat them in detail, but in summary:

Mr T explained his grandmother paid money into a building society account in Mr T's name. This building society was taken over by a second building society in 1996, and this second building society was subsequently bought by Santander in 2004.

Mr T has the passbook for this account showing a balance of £2,646.00, with the last entry dated 27 July 1992. Mr T said he has not taken this money out of the account and tried to locate and withdraw it in 2003. At that time he obtained the application forms to trace the account, but said they were *'overwhelming and I eventually gave up'*.

Mr T said he visited a branch of Santander in July 2023 with the passbook, but they were unable to find the account and he raised the issue with Santander's head office. Santander's head office was also unable to trace this account and indicated he could raise a complaint.

Mr T complained to Santander who wrote to him explaining it was unable to trace the account and would not pay him the balance. Mr T was dissatisfied with Santander's response and referred his complaint to our service.

As part of our investigation, our investigator asked Santander to detail the searches it had made for the funds in the account, explain why they were unable to locate the account and explain the procedures it followed to locate the account.

Santander said it was unable to locate any information regarding the account and said this was due to it only holding records for six years.

Our investigator didn't think Santander needed to take any further action. They thought Santander had exhausted options to trace the account and were satisfied the money was probably withdrawn from the account, explaining if there was still money in the account, they thought it would have appeared on Santander's records.

Mr T responded rejecting our investigator's recommendations. He said he believed Santander should provide evidence for its findings, explaining he had evidence to support his claim for the funds, whereas Santander had not properly kept records and unless it could prove otherwise, it should pay him the funds.

As Mr T has rejected our investigator's recommendations, the complaint has been passed to me as an ombudsman to make a decision.

## **What I've decided – and why**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Where evidence is incomplete, inconclusive or contradictory, I have to make decisions based on the balance of probabilities – that is, what I consider is more likely than not to have happened in light of the available evidence and the wider surrounding circumstances.

I can see Mr T has a passbook from a Building Society with the last entry showing a balance on his account of £2,646.00 from 30 years ago. I can therefore appreciate why Mr T believes the account should still exist and the funds be available for withdrawal.

Mr T has also stated he has not withdrawn the funds and the account has not been used for some 30 years.

I am also mindful Mr T said in his response to our investigator's views, he tried to trace this account and these funds 20 years ago, but did not complete the application forms. This does demonstrate Mr T has known about this account and these funds for some time, and at least 20 years, without making further efforts to trace the funds. It is a pity Mr T did not continue with his enquires as that might have been more successful due to the shorter time frames involved and the building society involved in 2003 since being taken over by Santander.

I must now balance this against the evidence Santander has provided. I have no reason to doubt Santander have exhausted its processes for tracing Mr T's account and consider, had the funds not been claimed in the intervening years, the account and outstanding balance would have shown on its systems. To help explain my decision, I would like to provide some further context.

Passbooks are not, in themselves, evidence of funds. Transactions could occur which were not recorded on passbooks. For example, passbooks can be lost and found at a later date. Account holders are entitled to access their money, so many organisations allowed withdrawals without passbooks or closed accounts without retrieving passbooks. Passbooks can therefore only be considered as a 'snap-shot' in time for the date they were last completed - and not necessarily conclusive evidence of current funds.

I appreciate the comments made by Mr T concerning the evidence he has and that he has stated he has not withdrawn the money. I also appreciate Santander have not provided evidence the account was closed, and funds withdrawn, though this appears the most likely scenario given there is no record of the account remaining open.

However, financial businesses aren't required to keep records indefinitely. Because of the amount of time that has passed, I think it would be unlikely Santander would be able to produce evidence of a withdrawal or account closure. For these reasons, in response to the points made by Mr T, I do not find it unreasonable Santander have not been able to provide this evidence.

Based on the time frames involved, the arguments given, the evidence presented and the points I have made above, I don't think on the balance of probabilities, there's enough evidence to instruct Santander to pay the funds showing on Mr T's passbook.

I appreciate this will be disappointing to Mr T and I am sympathetic to the significance this account has to him, but I have to be fair to both parties.

**My final decision**

For the reasons I have given it is my final decision this complaint is not upheld.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 11 April 2024.

Gareth Jones  
**Ombudsman**