

The complaint

Mr G complains Bank of Scotland plc trading as Halifax hasn't answered his questions about an old account he had.

What happened

In December 1996 Mr G opened an account with Halifax which came with a passbook.

In March 2023 Mr G says he discovered the passbook relating to the account following a house move. He noticed that the account was over £300,000 in credit on 15 February 1999 and says he couldn't remember ever closing the account or receiving the proceeds. He says he has no record of a cheque for such an amount. So, he contacted Halifax and another bank who he had accounts with to find out what had happened to his money.

Mr G says all Halifax was able to do was ultimately to say that its' records showed the account was closed on 15 March 1999 and the balance was transferred to another account. And that this was done in his usual branch. Halifax also recommended that Mr G contact a third party to make further enquiries and gave their details. Mr G was unhappy with Halifax's response and asked for details of the transfer. In August 2023 he also complained to our service, and a law firm representing him subsequently dealt with us.

One of our investigators looked into Mr G's complaint and said they didn't think it was reasonable to expect Halifax to hold information on where the funds were transferred after all of this time. And that Halifax had demonstrated that it had carried out the necessary searches.

Mr G's lawyers weren't happy with our investigator's recommendation saying that Mr G had been the victim of fraud and theft from 2009 onwards, and that it was possible the person who had defrauded him had stolen his money. A different investigator then looked at Mr G's complaint. Having done so, they didn't recommend it be upheld either.

Mr G's lawyers asked for his complaint to be referred to an ombudsman for a final decision. So, his complaint was passed on to me.

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.

I can see that Halifax has carried out a number of checks to see what more it could tell Mr G about the account whose passbook he discovered. Those checks show that the account was closed on 15 March 1999 and Halifax was able to produce a statement of transactions on the account between 15 March 1998 and 15 March 1999. In other words, a statement for the twelve months immediately before the account was closed. That statement showed that the balance on the account was transferred on 15 March 1999 and Halifax was able to say, based on all of the other (limited) information it had, that the account was closed on that date and that the balance was transferred to another Halifax account. Halifax was able to show a closing statement was sent on that date too.

Mr G's lawyers have sent our service a significant amount of material about fraud and theft to which Mr G was unfortunately the victim of. From the documentation I've seen, I'm satisfied that from 2009 and onwards someone close to Mr G – and someone who was in a position of trust – stole very significant sums of money from him. The documentation I've seen not only suggests that the person in question was arrested and convicted but also that there was substantial litigation which led to a significant number of assets being frozen and ultimately sold in an effort to recover the stolen sums. The evidence suggests that the person in question was also working with Mr G in 1999.

I can understand why Mr G would like Halifax to be able to answer questions he's put that haven't been answered, given what I've just said, but I'm satisfied that the information he'd like simply isn't available any more given that this all happened over 25 years ago.

I can see that Mr G retired two years after the account was closed and helped with a family business. Given the limited evidence available, and the amount of money involved, I think it's highly unlikely that Mr G would have forgotten he had over £300,000 in an account with Halifax at the time. And I think it's more likely than not that he closed the account and transferred the money into another account of his choosing. And that between then and when he discovered the passbook in 2023, he's forgotten what happened to that money.

My final decision

My final decision is that I don't think it's fair to expect Bank of Scotland plc trading as Halifax to do more in this case.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 26 July 2024.

Nicolas Atkinson
Ombudsman