

The complaint

Mr Y, on behalf of Mrs Y, complains about how Nationwide Building Society has dealt with the Power of Attorney (PoA) that was registered on her account.

What happened

Mr Y says a PoA was registered on Mrs Y's account in around 2016 having been previously registered with a business Nationwide took over. He says he has letters addressed to his mother Mrs Y confirming a PoA was registered. Mr Y says he opened a new account for Mrs Y following a letter he received from Nationwide but later spoke to it and it denied there was a PoA registered. He says whilst this mistake has not had a financial impact, he is concerned that correspondence may be sent to Mrs Y former address and not his.

Nationwide says its records showed Mr Y didn't hold a PoA on Mrs Y's account. Following Mr Y's complaint to us it looked into matters in more detail, and says Mr Y did hold a PoA for a closed account. It says it doesn't transfer a PoA and Mr Y will need to register the PoA again.

Our investigator looked at the complaint and thought overall Nationwide dealt fairly with it and had followed its policies. The investigator didn't think it our role to tell a business what its policies should be or to change them and explained that we are not Nationwide's regulator.

Mr Y doesn't accept that view and in summary says Nationwide suggested he open a new account and allowed him to do so for Mrs Y. And it can't be fair that having allowed that, Nationwide then refuses to transfer the PoA. Mr Y also says Nationwide's policy contradicts the legality of the PoA.

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.

Having done so, I have come to the overall view that whilst I don't require Nationwide to do anything further in the circumstances of this complaint, I think it could have handled matters more appropriately and explained its position to Mr Y.

I make clear to Mr Y that we are not Nationwide's regulator and so it's not our role to tell it how it runs or operates its business. We are also not a court and so whilst I appreciate what Mr Y says about Nationwide's actions contradicting the legality of the PoA, that would be for a court to determine. So, I can't order Nationwide to change its policy about the re-registration of a PoA when an account is closed or changed however inconvenient that may be.

I accept that Nationwide ought to have looked into Mrs Y's account history before writing to Mr Y about his complaint. I appreciate Mr Y's frustration in those circumstances as he would have known he did hold a PoA for his mother's account and would not have known about Nationwide's policy. But I can see that Nationwide has now explained what its policy is and

has explained to Mr Y what he needs to do. I don't think Mr Y has suffered any financial loss as a result of what took place and can see that he accepts that is the case. I appreciate Mr Y will need either to attend a Nationwide branch or send the PoA to Nationwide, which I accept will cause some inconvenience. But for the reasons I have explained I can't fairly hold Nationwide responsible for that, when that is its policy on such matters.

I appreciate what Mr Y says about him being able to open the account but the PoA isn't then transferred. I can't fairly answer that question or comment on it apart to repeat what I have said which is that its not our role to order a business to change its policies. But I think Nationwide could do more to explain that position, as I think its clear Mr Y was unaware of the need to re-register a PoA in these circumstances.

Overall, I appreciate that Mr Y will be disappointed by my decision and remain frustrated by Nationwide's policy and that he wasn't told about it. But I think this brings an end to what we in trying to sort out this dispute informally can do.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs Y to accept or reject my decision before 15 October 2020.

David Singh
Ombudsman