

The complaint

Mrs S complains on behalf of Mrs H about the difficulties encountered gaining access to an account having registered a power of attorney with Bank of Scotland plc trading as Halifax.

What happened

The facts are not in dispute. In summary Mrs S, who is a named attorney and Mrs H's daughter, wasn't given access to her mother's account following the registration in December 2019. Mrs H's access was also restricted. Mrs S had to spend a good deal of time, including going into branch on Saturdays, to sort the matter out. The problem was eventually sorted in late April 2020. Halifax accepted that it shouldn't have taken as long as it did for Mrs S to gain access to Mrs H's account after registration of the power of attorney. It offered Mrs S £150 for the upset caused to her and £10 in travel costs.

Unhappy with this Mrs S referred the complaint here on behalf of Mrs H. Our investigator explained that this service is unable to require Halifax to pay compensation to Mrs S as she's not eligible in her own right; rather she is a representative for Mrs H.

Mrs S appealed. She said that the time she had spent sorting this matter out had impacted Mrs H. I issued a provisional decision on 26 November 2021. My provisional findings were as follows:

As our investigator explained, we can't make an award to Mrs S so I'm considering the impact that this matter had on Mrs H.

Mrs S has said, and I accept, that Mrs H has never paid a bill late in her life. As Mrs S didn't have access to the account she wasn't able to pay her care bills. Mrs S says that this damaged Mrs H's reputation. But I'm not persuaded that this is so. I say this because if Mrs S explained the issue she was having with Halifax I think it more likely than not that it would have been accepted that this was the reason payment hadn't been prompt. I understand that eventually Mrs S did withdraw cash to pay the bills.

Likewise Mrs S says that Mrs H was denied access to her money which could have been invested for her care. I do appreciate that inconvenience was caused, but I'm not able to find on the evidence before me that this can be translated into a concrete financial loss for which this respondent is liable.

However I'm satisfied that there was an impact on Mrs H which hasn't been considered by Halifax. The time which Mrs S was obliged to spend sorting out this matter on three Saturdays and in the evenings meant there was less time to spend with her mother, who is suffering with a form of dementia. It is difficult to determine the exact impact this may have had and I note that Mrs S was able to arrange other care. But I'm persuaded that there would have been some impact on Mrs H, who is a vulnerable person. I find compensation in the sum of £100 is merited.

Halifax accepted my provisional decision. In summary Mrs S on behalf of Mrs H said that whatever is decided the money received would be added to her mother's account. She made

the point that care is expensive and costs soon mount up.

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'm grateful to the parties for their swift responses.

Having considered these I see no reason change my provisional findings. I do accept that care is very expensive. My intention wasn't to calculate the exact financial cost of the care for Mrs H during the time Mrs S spent dealing with this matter. Halifax has offered compensation to Mrs S and I was looking to see if there was a further impact on Mrs H. I was persuaded that there would have been – this may have been personal, in that her daughter wasn't able to spend as much time with Mrs H as she usually did. For that I was persuaded that £100 was merited. I remain of the view that this sum is fair and reasonable in all the circumstances.

My final decision

For the reasons given above and in my provisional findings I require Bank of Scotland plc trading as Halifax to pay Mrs H £100.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 31 December 2021.

Lindsey Woloski
Ombudsman