

## **The complaint**

Mr C complains about delays caused by Barclays Bank UK PLC when his deputies (Mr B and Mrs L) (the Deputies), appointed by the Court of Protection, asked it to open an account.

## **What happened**

The Court of Protection appointed Mr B and Mrs L as deputies to make decisions on behalf of Mr C in relation to his property and affairs. The Deputies were appointed in August 2019. The Deputies made an appointment to attend a branch of Barclays in January 2020. They say they took the relevant identification documents with them and completed the forms they were given.

One of the Deputies, Mrs L, says that when she attended the branch she was asked to open an account, in her own name, before the application could proceed. She says she was told she needed to do this because she was not an existing Barclays' customer.

The Deputies were told they would hear further in ten days' time after the details had been processed by a central team. They say they heard nothing further. The Deputies complained to Barclays about what happened. The Deputies said that because of the delay Mr C has incurred additional and unnecessary professional fees of £433.56.

Barclays investigated the complaint. It agreed that there'd been delays but it said the Deputies hadn't presented the correct identification and verification documentation when they attended at the branch. That was why they'd asked Mrs L to open an account, using its online channel, in her own name before proceeding. It had applied for a dispensation but that had been declined. The Deputies said the account would be used to receive benefit money and so a benefit letter would be required. It offered £75 by way of apology for the delays.

The Deputies did not accept what Barclays said. They complained to our service. Our investigator looked into the complaint. He didn't think it was fair and reasonable to require Barclays to cover professional fees for a service which had been provided to Mr C in a personal capacity. He noted that Barclays had admitted there were delays and had offered £75 by way of apology. He didn't think it should have to do anything more.

The Deputies didn't agree. They said that our investigator had failed to understand the position of a Deputy and the nature of the dispute. The Deputies stood in the shoes of Mr C and it was his loss and inconvenience which required compensation.

Because Mr C's Deputies didn't agree, the complaint was passed to me to decide. I issued a provisional decision in which I said:

### ***What I've provisionally 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.*

### The identification and address verification documents

*I've looked at the information on Barclays' website. There is a webpage entitled "How do I open an account if I've been appointed as a Deputy by the Court of Protection." There is then a link to a page which gives further information about setting up third party access. There are several different types of third-party access – including Court of Protection Order and Appointeeship. Each of these has different requirements.*

*For a Court of Protection Order, only the appointed representatives need to attend the branch. They need to bring the Order with them and they need to bring ID and proof of address documentation. Barclays' procedures also make clear that for a Court of Protection Order the donor (in this case Mr C) doesn't need to provide ID or address verification, provided that the Order has been produced.*

*Acceptable forms of documentation for the Deputies is listed on the webpage.*

*The Deputies presented the Court of Protection Order to Barclays and the staff member tried to open the account using the relevant procedures. But, she was unable to open the account. She says that the Deputies didn't have sufficient ID documents to enable her to open profiles for them. I'll comment on that further below.*

*In order to try to get around this the staff member says she asked Mrs L to open an account in her own name using an online system. The online system used a process to electronically verify the applicant. The staff member says she tried to import the information from the online application into the Deputyship application - but the system kept generating errors. She contacted a central team and asked for a dispensation to allow the account opening to proceed.*

*I've looked at the response to the request for dispensation. That response asked the staff member to "follow the appointeeship process to open an account with a court of protection order." It then indicated that the "client" would have to provide ID and verification documents and "the customer" will have one or more benefits letters. If the "beneficiary" is not present then a BF57 would be required. The response also said that the Deputies could request documentation for "the customer from DWP, GP. Care home letter can be used as address verification."*

*Having considered this information, it appears that the response confused an Appointeeship with a Deputyship. An Appointeeship is where someone has been appointed through the DWP to manage benefits. That didn't apply here. So, I'm currently satisfied, on balance, Barclays didn't follow its own procedures when it said there was a requirement to get ID and address verification documents for Mr C.*

### ID and Address Verification for the Deputies

*Barclays says that the Deputies didn't have sufficient ID and address verification with them when they attended the branch on 21 January 2020. Barclays hasn't been able to say what documentation was provided or why it wasn't suitable. It says it no longer has records to show this.*

*I asked the Deputies to tell us what ID and address verification they had provided. They responded to say:*

*"I believe Mrs L produced a copy of her passport and utility bill. I (Mr B) did not have to produce any ID as an existing customer."*

*Having considered this response, I cannot be certain what documentation was provided. If Mrs L had brought her passport and utility bill, that would've been satisfactory for the purposes of the procedures. So, it is unclear to me why Barclays didn't find this acceptable and why it asked her to open a new account. The new account was opened, using the online process, and Mrs L got the documentation for this the following day.*

*I've noted that at the time, there didn't appear to be any issues raised about ID or address verification for Mr B.*

*Having thought about what happened, I'm persuaded that if Barclays was able to satisfy itself about Mrs L's ID and address – so that it was able to open a new account for her in her own name – it shouldn't have required anything further from her in order to open the Deputyship Account. And for that reason, I don't think it acted fairly or reasonably when it refused the dispensation sought and delayed opening the account.*

***What I've provisionally decided needs to be done to put things right***

*As a result of what happened, the account wasn't opened until over three months after the Deputies had first attended the branch.*

*When considering a complaint of this nature our service can only award compensation to an eligible complainant. That is defined in the Financial Conduct Authority (FCA) Handbook in the DISP rules. These say that the eligible complainant here is Mr C. So, I can only look at any financial loss, distress or inconvenience Mr C himself has suffered as a result of what happened.*

*Mr C is unable to make decisions for himself in relation to his property and affairs. That's why the Court of Protection appointed Mrs L and Mr B as his Deputies. The Order appointing the Deputies states that Mrs L is entitled to be reimbursed for her reasonable expenses and Mr B is entitled to receive fixed costs for the general management of Mr C's affairs. The fixed costs allowable are set out in a Practice Direction from the Court of Protection issued in December 2017.*

*Mr B says the costs of the application to Barclays were wasted costs and he says Mr C is entitled to receive full reimbursement for these fees. The fees are £433.56. Mr C paid these fees on 13 March 2020.*

*I've thought about what Mr B has said here. Because of the delays the account wasn't opened until 29 April 2020 – which was just over three months after the initial request. Had Barclays followed its own procedures, I think the account would have been opened much earlier and without the need for additional visits or correspondence.*

*I've looked at the details of the costs set out on the invoice. These costs were incurred on 21 and 22 January 2020. So, they relate to the visit to Barclays referred to above and associated activity the next day. Mr B says it was necessary to make a further attendance in person after these dates to make arrangements to get the account opened. The costs associated with that subsequent attendance are not included in the invoice.*

*So, in these circumstances, I've decided that it is fair and reasonable to require Barclays to reimburse Mr C for the wasted costs of £433.56 which he incurred together with 8% simple interest on this amount from the date when the invoice was paid until the date of settlement. I don't think it would be fair or reasonable to ask Barclays to reimburse Mr C for the cost of the subsequent attendance because that attendance did result in the account being opened and for that reason I'm satisfied it cannot fairly be considered as a "wasted cost."*

*I've also considered whether Mr C experienced any inconvenience or distress here. His Deputies weren't able to open an account in a timely manner to manage his affairs. I think that would've caused him some inconvenience. Barclays has offered to pay him £75 by way of apology for the delays caused. I think Barclays should be required to increase this amount to £100 as compensation for the inconvenience Mr C experienced here.*

### **My provisional decision**

*For the reasons given above, my provisional decision is that I intend to uphold this complaint about Barclays Bank UK PLC.*

*I intend to require it to:*

- Pay Mr C £433.56 together with 8%\* simple interest on this amount calculated from 13 March 2020 until the date of settlement; and*
- Pay Mr C £100 by way of compensation for the inconvenience he experienced when Barclays Bank UK PLC delayed the opening of a Deputyship account for him.*

*\* If Barclays Bank UK PLC considers that it's required by HM Revenue & Customs to take off income tax from any interest due to Mr C, it should tell him how much it's taken off. It should also give Mr C a certificate showing this if he asks for one, so he can reclaim the tax from HM Revenue & Customs if appropriate.*

The Deputies for Mr C responded to my provisional decision. They said that they accepted the provisional decision.

Barclays also responded to my provisional decision. It said it agreed with my findings and the suggested redress.

So, I now have to make a final 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.

I've noted that the Deputies for Mr C and Barclays have accepted my provisional decision. In these circumstances, I have no reason to change my view about how this complaint should be resolved. So, for the reasons set out in my provisional decision and above, I've decided to uphold this complaint.

### **My final decision**

For the reasons given above I uphold this complaint about Barclays Bank UK PLC.

I now require it to take the following actions:

- Pay Mr C £433.56 together with 8%\* simple interest on this amount calculated from 13 March 2020 until the date of settlement; and
- Pay Mr C £100 by way of compensation for the inconvenience he experienced when Barclays Bank UK PLC delayed the opening of a Deputyship account for him.

*\* If Barclays Bank UK PLC considers that it's required by HM Revenue & Customs to take off income tax from any interest due to Mr C, it should tell him how much it's taken off. It should also give Mr C a certificate showing this if he asks for one, so he can reclaim the tax from HM Revenue & Customs if appropriate.*

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 13 April 2022.

Irene Martin  
**Ombudsman**