

The complaint

Mrs D complains that Barclays Bank UK PLC made mistakes and provided poor service when she tried to open a Smart Investor account.

The complaint is brought on Mrs D's behalf by her daughter, who I'll refer to as Mrs R.

What happened

Mrs D's late husband had a Smart Investor account with Barclays. After he passed away Mrs D decided to open a Smart Investor account in her name so that her share of his investments could be transferred to her.

She tried to open the account online, but Barclays needed her to send in certified documents to verify her identity. Mrs D sent in the required paperwork in July 2021, but Barclays returned it to her.

When Mrs R phoned Barclays on 2 September to find out what had happened, she was wrongly told the account had been opened and that she should expect a call back with more information. But the call back wasn't received, and she complained.

Barclays upheld the complaint, accepting its service had fallen short, and offered to pay Mrs D £100 for the distress and inconvenience she'd been caused.

Our investigator thought Barclays' offer was fair and reasonable.

Mrs R didn't agree. She said, on Mrs D's behalf and in summary, that:

- Mrs D has twice sent the required paperwork to Barclays – in July and November 2021. On both occasions it seems to have lost the paperwork. She sent the paperwork recorded delivery, but no longer has the proof of postage.
- Barclays has lost sensitive information. She will hold Barclays responsible for any identity fraud that may occur.
- The account has still not been opened and Barclays hasn't been in touch about how to move things forward.
- £100 is not enough to compensate for the stress Mrs D has been caused.
- If the account had been opened, the late Mr D's investments could have been transferred and interest would be earned on the dividends. They should be compensated for this loss of interest.
- Mrs R should receive compensation for her time and expense, as executor of Mr D's estate and now as attorney for Mrs D.

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.

Firstly, I'm aware that I've summarised this complaint in far less detail than the parties and in my own words. There is a considerable amount of information here but I'm not going to respond to every single point made. No discourtesy is intended by this. Instead, I've focussed on what I think are the key issues here. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts. If there's something I've not mentioned, it isn't because I've ignored it. I haven't. I'm satisfied I don't need to comment on every individual argument to be able to reach what I think is the right outcome.

Secondly, this complaint is about the failure of Barclays to open a Smart Investor account for Mrs D. Mrs R has raised some concerns about the account in the late Mr D's name, but I can't consider that as part of this complaint.

Having considered everything carefully, I find I have come to the same conclusion as the investigator for the following reasons:

I find Barclays has made some mistakes here and didn't provide as good a service as Mrs D reasonably should have expected. In its final response to the complaint, sent at the end of October 2021, Barclays accepted this. It said it returned Mrs D's identification paperwork in July 2021 without ensuring copies were provided to the Smart Investor account opening team; it failed to call back Mrs R when it promised to; it gave wrong information about the account being open; it didn't make it clear that it needed Mrs D to send in certified paperwork again; and a complaint should have been logged at an earlier stage. It is Mrs D, rather than Mrs R, who is the consumer here. And for that reason, I can only consider any distress or inconvenience caused to Mrs D, not Mrs R. So whilst I understand this has been time-consuming and frustrating for Mrs R, I can only make an award for the time and distress caused to Mrs D. This remains the case, even if Mrs R now acts under a Power of Attorney. For that reason, and after careful consideration, I find Barclays' offer of £100 is fair and reasonable.

Mrs R has also complained about what's happened since the final response was sent. Mrs R says that Mrs D followed Barclays' instructions and sent the paperwork, for the second time, using the address Barclays gave her. She says Barclays has lost the paperwork again. But Barclays says it didn't receive it. I'm satisfied that, since the complaint was referred to us, Barclays has re-checked but can't find a record of receiving the paperwork that Mrs D sent in November 2011. Unfortunately, due to the time that's now passed, Mrs D no longer has a record of the proof of postage. I am not doubting what Mrs R has told us, but without the proof of postage, I can't order Barclays to compensate Mrs D.

I appreciate the concerns raised by Mrs R about identity fraud. But I've not seen evidence to suggest that Mrs D's personal information has been obtained by a third party because of a mistake made by Barclays. And I can't compensate for something that *might* happen.

Barclays cannot open the account for Mrs D until she re-sends it the identification paperwork. I think it made this reasonably clear in its final response letter and in its follow-up letter dated 4 November 2021. I don't find there was any obligation on Barclays to contact Mrs D again to discuss a way forward as Mrs R suggests.

Mrs R says that Mrs D was distressed having received correspondence from Barclays, when it was Mrs R who made the complaint on her behalf. Unfortunately, Barclays did not have Mrs D's authority to correspond directly with Mrs R. So I don't think it acted unreasonably in writing to Mrs D direct about her complaint. I understand Mrs D has now appointed Mrs R as her attorney. Mrs R may wish to consider contacting Barclays to arrange to record this so

that Barclays can correspond with her direct in the future if Mrs D decides to proceed with opening an account.

Mrs D says she wants compensation for financial losses caused because of the delay in opening her Smart Investor account. But dividends and interest continue to be received on the investments held in the late Mr D's account and I don't find a financial loss has been caused because of the mistakes Barclays has made.

My final decision

For the reasons I've explained, my final decision is that Barclays Bank UK PLC should pay Mrs D £100.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D to accept or reject my decision before 8 February 2023.

Elizabeth Dawes
Ombudsman