

The complaint

The estate of Mr W complains about issues adding a power of attorney to the late Mr W's account with NewDay Ltd ("NewDay").

The estate of Mr W is being represented by his daughter.

What happened

Before Mr W sadly died, Mr W's daughter was in the process of adding herself as POA on his account. Mr W's daughter said NewDay were unwilling to add her as POA, so she logged a complaint.

NewDay investigated the complaint and at first didn't uphold it. It said the address on the POA document didn't match the address it had on file for Mr W. So, the estate of Mr W via his daughter brought a complaint to our service.

NewDay then made an offer of £100.

Our investigator looked into the complaint but didn't find it was one where she could increase the compensation. Our investigator said that as the late Mr W's daughter was representing the estate, our service couldn't award compensation for any trouble and upset she had suffered personally when trying to add herself as POA.

The late Mr W's daughter didn't agree, so the complaint's been passed to me for 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.

Having done so, I agree with the outcome the investigator reached for largely the same reasons. I'll explain why.

I'd like to start by saying how sorry I am for the late Mr W's daughter's loss. I'd like to assure her that I've read all her comments in full when coming to my outcome.

The late Mr W would have been the eligible complainant here, who had the required relationship with business – and we can only make awards to eligible complainants. The late Mr W's daughter brings the complaint to our service on her late fathers' behalf (as the person authorised in law to do so).

So, it follows that we can't compensate an executor or the late Mr W's daughter for any impact incurred personally, when representing her father's estate.

So, although I know the late Mr W's daughter will be disappointed with this outcome, I agree with the investigator when she's said we can only look at losses the estate incurred and not any trouble and upset.

I understand the late Mr W's daughter has raised the point that Mr W was still alive when the complaint was brought to our service. I can understand why she would raise this point, but our service would treat POA's in the same way that we would a representative of an estate. So, we wouldn't have been able to award any personal compensation there either.

NewDay have offered to pay the late Mr W's daughter £100 compensation, and she is still free to accept that.

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 the estate of Mr W to accept or reject my decision before 9 December 2022.

Tom Wagstaff
Ombudsman