

The complaint

Mrs B, whose daughter is acting on her behalf under a power of attorney (POA) and who has brought this complaint on her mother's behalf, complains that National Westminster Bank Plc (NatWest) have made it difficult for her daughter to manage her account.

What happened

I previously issued my provisional decision on this case. I intended to come to a different outcome to the Investigator, and so before I came to my final decision on the case, I wanted to give both parties the chance to respond with anything else they wanted me to consider before I came to my final decision on the matter.

The background of this case is as follows:

A number of years ago, Mrs B sadly fell victim to a scam, where she divulged her account details to a fraudster. Mrs B's daughter raised this with NatWest and security measures were put in place to prevent this occurring again. Mrs B's daughter says that NatWest placed a security marker on Mrs B's account. Mrs B's daughter has recently found out that NatWest no longer has a security marker on the account and is concerned about the safety of her mother's account. NatWest has said that it doesn't feel it is necessary to apply a marker to the account indefinitely – especially given that the scam happened a long time ago. It confirmed it has processes and procedures in place to protect the integrity to its customers' accounts. And it didn't feel that a security marker still needed to be on the account.

Mrs B has a credit card facility with NatWest, and her daughter has a POA to assist Mrs B in managing all of her accounts. Initially, Mrs B's daughter experienced problems registering the POA to the credit card account. Mrs B's daughter attempted to use the webchat facility to resolve the issue, however, she says she was given differing information on the chat. NatWest has since resolved this issue and moved the POA from one account to the credit card account.

Mrs B's daughter has had a speech impairment since 2020, and when she contacts NatWest she needs to use a service, I'll refer to as "R", to help her communicate over the phone. Mrs B's daughter says that she has experienced problems using this service – in that some of the contact numbers at NatWest don't support this facility and its staff aren't trained adequately enough to use the service. She also says that on one occasion where she was able to use R to speak to a representative, the representative didn't wait for responses from R and talked over her.

Mrs B's daughter has also attempted to get access to Mrs B's online banking facility so she can help with the management of the credit card account. However, NatWest said that it can only allow Mrs B to have this access. It agreed to send out statements to Mrs B's daughter so she could see the transactions on the account. Mrs B's daughter was unhappy to find out that the statements she was receiving weren't copy statements, and that as a result of her requesting statements, they were no longer being sent to her mother.

Mrs B's daughter told this service that there was a short-term fix to the statement issue

whereby a team at NatWest were manually sending statements to her by email, but this facility has now stopped and she no longer has access to the account in this way.

Essentially, Mrs B's daughter says that it has been difficult and continues to be difficult to manage her mother's account as a result of the issues she's faced with accessing the account online and over the telephone. She feels NatWest are making it difficult for her to carry out her role as an attorney. And these issues have only arisen since she developed a speech impairment.

NatWest provided numerous responses to Mrs B's various complaint points. NatWest accepted that Mrs B's daughter had, on occasion been provided poor service and so it paid her daughter £250 to say sorry.

Our Investigator looked into Mrs B's complaint, but they didn't uphold it. Mrs B's daughter didn't agree with the Investigators opinion and so the complaint was passed to me to make a decision on the matter.

Based on everything I had seen; it was my intention to uphold Mrs B's complaint. I have summarised the findings I made in my provisional decision below:

- I didn't think it was unreasonable of NatWest to have removed the fraud markers from Mrs B's account. The fraud took place some years ago now, and I didn't think it was necessary of NatWest to keep the fraud markers on the account indefinitely.
- I did think that NatWest needed to do more to help Mrs B's daughter manage Mrs B's credit card account. I thought it fair and reasonable to allow Mrs B's daughter access to manage the account online. And I set out what I thought NatWest needed to do to put things right.

NatWest agreed with the findings in the provisional decision, although it explained that there were some limitations to what it could do to help.

Mrs B also agreed with the provisional decision. However, she added that she wanted an accessible way for her daughter, as a speech impaired person, to be able to contact the fraud team in the future should she need to.

Since the provisional decision, I have been in touch with both parties to come to discuss a resolution that would be suitable for both parties. Having done this, I am now in a position to provide my final decision on the matter.

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 considered everything available to me again, it is my decision to uphold this complaint.

I am still of the view that NatWest doesn't need to do anything further in relation to the fraud markers on Mrs B's account. However, it should continue to monitor the account as it would normally, for any suspicious activity. I am aware that the security of the account is of particular concern to Mrs B's daughter – this is understandable given what's happened in the past. NatWest has explained that if Mrs B's daughter does need to contact the fraud team then she can do so through the secure chat facility online or through the mobile banking application.

In relation to the management of the account, I am still of the view that, in the circumstances of this complaint, NatWest needs to allow Mrs B's daughter access to Mrs B's credit card account online. Both parties have now accepted this as a resolution.

I have been in touch with Mrs B's daughter separately to explain the process she'll need to take to set up online credit card access on behalf of her mother. The process doesn't need both Mrs B and her daughter to be together at the time. But it will need Mrs B's involvement to share authentication codes with her daughter. I appreciate from Mrs B's point of view that this isn't ideal – as she will need to be involved in the process in some way. And I'm sorry if she finds this process distressing. However, once the online access has been set up, there shouldn't be any issues with Mrs B's daughter managing the account online going forward. I think this is a reasonable adjustment in the circumstances.

I appreciate that from NatWest's point of view, allowing Mrs B's daughter online access in this way goes against the online account's terms of use and its normal process – something NatWest has agreed to facilitate on this occasion. However, I wanted to add that Mrs B should be allowed the same fraud and security protection that she would have, had her daughter not had access to the online account.

Putting things right

So, to put things right, I order NatWest to:

- Allow Mrs B's daughter to set up online access on behalf of her mother – authentication codes will be sent to Mrs B, to share with her daughter to allow the registration. Mrs B's daughter should be allowed to manage the account online going forward.
- Any ongoing passcodes that Mrs B's daughter might need to access the credit card online should also be sent to Mrs B's daughters mobile, email or home address.
- Allow Mrs B the same fraud/security protection that she would have benefit from if the log in details weren't shared.
- Pay Mrs B £300 for the distress and inconvenience that has been caused to her as a result of NatWest not being able to provide her attorney with proper access to help manage the credit card account.

My final decision

For the reasons set out above, I uphold Mrs B's complaint. I order National Westminster Bank Plc to put things right for Mrs B by doing what I've said above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 10 March 2023.

Sophie Wilkinson
Ombudsman