

The complaint

Mrs N complains on behalf of the account holder Mrs H that Lloyds Bank PLC significantly delayed important statement requests.

What happened

I issued my provisional decision on 24 January 2023, and this is what I said:

I've considered the relevant information about this complaint.

Before I issue my final decision, I wanted to give both parties a further opportunity to submit evidence.

I'll look at any more comments and evidence that I get by 21 February 2023. But unless the information changes my mind; my final decision is likely to be along the following lines.

The complaint

Mrs N complains on behalf of the account holder Mrs H that Lloyds Bank PLC significantly delayed important statement requests.

What happened

Mrs H is in a care home and Mrs N has access to her sole account.

Mrs N says that, for important legal reasons, she has been trying to get access to Mrs H's statements since 2016. However, these haven't been provided by Lloyds and this has caused significant distress and inconvenience. This includes making difficult logistical arrangements so Mrs H could sign approval documentation.

Lloyds only commented on statements Mrs N requested in 2022. These were for Mrs H's joint account, to which Mrs N doesn't have a Power of Attorney (POA) and access. So, Lloyds requested Mrs H complete the necessary forms.

Lloyds explain that because of a lack of clarity on which account Mrs N required statements for, they only requested those for the sole account that Mrs N had access to. So, Lloyds apologised and paid Mrs N £40 compensation.

Mrs N is now in possession of the statements she requires, however because of her experience in obtaining these statements, she is insulted by Lloyds compensation. So, she complained to our service and has requested compensation of £5000.

Our investigator considered Mrs N's complaint and asked Lloyds to increase the amount of compensation to £100.

As Mrs N remains dissatisfied this case has now been referred to me to look at.

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.

Having done so, I agree with the investigator's view.

I appreciate Mrs N feels strongly that Lloyd's compensation offer is inadequate. This is because she says she's been waiting a considerable time to get the statements and this delay, together with her efforts in getting forms signed by Mrs H, has caused distress and inconvenience.

Regarding the length of time Mrs N has been waiting, based on her comments this appears to be somewhere between two and seven years. However, Lloyds records only show a request being made in 2022. Also, Lloyds records show they only required Mrs H to sign forms in 2022 when they realised her statement request was from Mrs H's joint account for which she didn't have approval or access.

Although I think it likely that Mrs N did make previous efforts to obtain the statements she required, there is a lack of supporting evidence on file. Also, there appears to have been confusion as to which account the requested statements applied. And, considering the timeframe, importance of the statements and Mrs N's mention of her lawyer I would've expected to have seen a formal escalation in the proceeding years.

I recognise Mrs N's frustration here and, whilst I understand her request for branch staff including managers to be asked to give evidence, our service doesn't operate in the same way as a court, and we don't have powers to call witnesses. Instead, we have a mandate to resolve complaints in an informal way and ask both parties to a complaint to submit their evidence and arguments to enable a decision based on the submissions presented. There is however evidence of a delay in receiving the required statements in 2022. I can see this is because it wasn't made clear to Mrs N that the request would only apply to the sole account. As the request applied to the joint account Lloyds apologised and offered compensation.

Whilst, in normal circumstances I think Lloyds £40 offer would've been reasonable, due to a combination of Mrs N's health condition, the distressing circumstances and the delay adding to the POA timeframe, I think £100 is a fairer amount of compensation. And I'm pleased to see that Lloyds have since agreed to pay this amount.

So, having considered all the information from both sides here, based on the current evidence on file, I'm upholding this complaint and I think £100 compensation should be awarded.

My provisional decision

For the reasons I've given above, it's my provisional decision to uphold this complaint and I require Lloyds Bank PLC:

- To pay Mrs H £100 compensation less any amounts already paid.*

I'll look at anything else anyone wants to give me – so long as I get it before 21 February 2023. Unless that information changes my mind, my final decision is likely to be as I've set out above.

I received responses from both parties.

Lloyds said they had nothing further to add.

After requesting additional time Mrs N submitted various notes and letters.

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 reviewed the notes and letters received following my provisional decision. However, I couldn't see that they evidenced escalation in the years which proceeded 2022 or provided any information to change my provisional decision.

So, I can't see any reason to depart from my provisional decision which I adopt in full as part of this final decision.

My final decision

My final decision is to uphold this complaint and I require Lloyds Bank PLC:

- To pay Mrs H £100 compensation less any amounts already paid.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H and Mrs N to accept or reject my decision before 29 April 2023.

Paul Douglas
Ombudsman