

The complaint

Mr G complains as attorney for his mother Mrs G, that Nationwide Building Society refused to allow him to make withdrawals from his mother's and late father's accounts.

What happened

In early December 2022 Mr G attended a branch of Nationwide and asked to make a cash withdrawal on an account held in his late father's name for which he had a power of attorney. Nationwide refused to allow him to make a withdrawal as it had no record of any power of attorney being registered against the account. Mr G also refused to explain what the withdrawal was for. This was despite him having been able to make a number of withdrawals the previous month. He was asked to leave the branch.

Subsequently Nationwide provided a final response letter in late December 2022 to explain that there was no power of attorney on the account.

Mr G referred the matter to the Financial Ombudsman Service. He has explained that he registered a power of attorney for the account and this was confirmed in October 2022. He said that after the refusal to allow him to make a withdrawal he was unable to have access to his mother's accounts and as a result she couldn't pay for essential repairs to her house and she received a summons for non-payment of council tax

Our Investigator established that the situation was not as straightforward as Nationwide originally explained. It was notified that Mr G's father passed away in December 2020, However, because the death certificate was not supplied Mr G was able to make withdrawals from the account on a power of attorney up until his attempted withdrawal in December 2022. This was because by that stage Nationwide had removed the power of attorney from the account as the death was registered and it was therefore not applicable anymore. However, it explained that Mr G had full access to his mother's account from October 2022 due to the registration of the power of attorney on that account and that his late father's account was transferred into his mother's name in mid-December 2022 (after he had attended the branch).

Nationwide did explain that when Mr G attended its branch in December 2022, he was asking to withdraw funds from his late father's account and didn't mention his mother's . Mr G advised that he had had no access to his mother's account from March 2021.

Our Investigator said that Nationwide should have explained the position to Mr G earlier. As a result he believed he had no access to either account until the position was explained further in May 2023. He said that Nationwide should pay £700 for the distress and inconvenience caused.

Nationwide accepted our Investigator's view.

Mr G believed that Nationwide should pay a higher amount in compensation. The difficulties in accessing the account into which Mrs G's pension was paid had been ongoing since March 2021. She had had summonses for non-payment of council tax and electricity. She is

elderly and the matter has caused her a great deal of distress and affected her health.

The matter has been passed to me for further consideration.

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 have to emphasise that this decision concerns what happened when Mr G attended the branch in December 2022, and the direct effects of that. Whilst he refers to the matter being ongoing since March 2021, he has already made a complaint about that to the Financial Ombudsman Service. That complaint did not proceed and regrettably I have no power to reopen it.

The situation was complicated concerning both accounts. When Mr G attended the branch in December 2022 it appears that he presented a cancelled passbook but explained that he had a power of attorney on his late father's account, which was the account he was attempting to make a withdrawal from. As he had been able to withdraw substantial funds from this account in several transactions in November 2022 I'm not surprised if he found it hard to understand why he could not still do it. It appears that, despite being advised that Mr G's father had passed away, Nationwide still allowed him to make withdrawals from the account until it was able to officially confirm the death.

As the transaction concerned his late father's account, it maybe that the customer adviser may not have been able to link it to his mother's account (on which a power of attorney had been registered). However there had been a power of attorney registered on his late father's account which I would have thought would have shown up in the records. If this was not evident when Mr G attended the branch, Nationwide would have been able to make investigations in response to his complaint to explain the position. Yet it only did so in response to a number of requests for information from our Investigator.

So it's not surprising that Mr G thought he did not have access to either account until May 2023 when our Investigator established the actual position. As a result Mrs G would have been caused some distress and inconvenience. I have considered this and in particular Mr G's representations about it. However I do think that a payment of £700 is a fair and reasonable amount of compensation for Nationwide to pay here and is in line with awards we have made in similar cases.

I've noted that Mrs G had summonses for non-payment of council tax and electricity but these related to debts dating back to sometime before Mr G attempted to withdraw from his late father's account in December 2022. Up until then Mr G was able to make substantial withdrawals from the account in his late father's name.

Finally, I can't make any award concerning the way Mr G feels he was treated when he attended the branch. The account is in his mother's name and she is the eligible complainant and I can only take account of the distress and inconvenience caused directly to her.

Putting things right

I think Nationwide should pay Mrs G £700.

My final decision

I uphold the complaint and require Nationwide Building Society to provide the remedy set out

under “putting things right” above.

Under the rules of the Financial Ombudsman Service, I’m required to ask Mrs G to accept or reject my decision before 19 October 2023.

Ray Lawley
Ombudsman