

The complaint

Ms T's complaint relates to the service received from Nationwide Building Society when attempting to withdraw cash from her account.

The complaint has been brought by Mr T, who holds power of attorney (POA) to deal with Ms T's affairs

What happened

Mr T went into a branch of Nationwide and requested a withdrawal of money held in Ms T's account. The Nationwide staff member established that Mr T had a POA, but because the sum of money involved was significant, she asked for the assistance of her supervisor. Having liaised with Nationwide's POA team, the supervisor asked if Mr T had any invoice or bill which showed what the money was required for. I understand that Mr T did not have any such documentation.

Mr T was unhappy with the questions he was asked by the Nationwide staff. The issue regarding withdrawing the money was resolved when it was established that Ms T was sitting in a car outside the branch. The supervisor went outside to speak to Ms T and was satisfied that she wanted to withdraw the money, and Nationwide then processed the cash withdrawal.

Mr T complained to Nationwide about the treatment that he said he and Ms T had experienced when trying to withdraw the money. He said that they had both been caused distress by Nationwide's actions. He also said that Ms T had had an accident in the course of the transaction being arranged.

Nationwide responded that it had acted reasonably by asking the questions that it had about the cash withdrawal, as it had a duty to safeguard accountholder's funds. It did however make a payment of £50 directly into Ms T's account as a gesture of goodwill.

Unhappy with this response, on behalf of Ms T, Mr T brought a complaint to this service.

Our investigator did not uphold this complaint, concluding that Nationwide had acted fairly.

Mr T disagreed with the investigator's findings. He questioned why it had taken so long in the branch for the cash withdrawal to be arranged. He also questioned why Nationwide needed to ask for more details about the reason for the withdrawal. Mr T highlighted that he holds a valid POA to deal with Ms T's financial affairs, and was therefore permitted to request that this money be withdrawn from the account.

Mr T explained that he felt Nationwide treated him like a criminal. He said that it should be possible to withdraw funds without the donor (in this case Ms T) being present, and he highlighted Nationwide's own published information that a POA is not restricted to how much cash can be taken out of an account. Mr T said that he should be compensated for the way he was treated by Nationwide, as Ms T's POA. Even if compensation is not paid, he wanted Nationwide to accept that its treatment of the situation had been unfair. Mr T also stated that

he had rung Nationwide in advance of his visit to say that he would be coming to the branch. He remained unhappy that Nationwide had questioned Ms T directly about the money withdrawal.

The complaint was referred for review by an ombudsman.

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.

As Mr T has highlighted, he holds a POA that permits him to deal with Ms T's financial affairs. Nationwide's terms and conditions confirm that an account can be operated by a nominated third party. In this case that is Mr T, using the powers provided by the POA.

I acknowledge Mr T's comments that he rang Nationwide ahead of his visit to its branch to confirm that he would be coming in to make a cash withdrawal from Ms T's account. I also agree that the POA allows Mr T to request that cash be taken out of accounts held by Ms T. However, Nationwide has explained that where a significant amount of money is being withdrawn in branch, as was the case here, its normal practice is to ask to see a bill or invoice. This allows Nationwide to ascertain the purpose for requesting the money, and provides an extra safeguard to ensure that the funds in its customer's account are protected.

I appreciate that this caused frustration to Mr T. It also meant that Ms T was consulted about the withdrawal, despite the fact that she was not in the branch, and instead was sitting in a car outside. That is because Mr T had believed it would not be necessary for Ms T to become involved in the transaction.

I am sorry to learn that Ms T suffered an accident in the course of the events that occurred. However, on balance, my view is that Nationwide acted reasonably when it asked for more information about the reason for the cash withdrawal, as it was carrying out its security checks. And I consider it was appropriate in the circumstances for Nationwide to speak directly to Ms T, in order to ensure the cash withdrawal could be processed. Having to take this action explains why the transaction took longer than Mr T had originally expected it would.

As my view is that Nationwide acted fairly in this matter, it would not be reasonable for me to require it to pay compensation to Ms T for any upset that she may have experienced in the course of the cash withdrawal.

Mr T mentioned the distress that he felt as a result of Nationwide's treatment of him in the branch. As I've explained, I'm not awarding compensation, because I do not consider that Nationwide has been at fault in this matter. But I should also highlight here that, as our investigator explained, in this complaint Mr T represents Ms T (under the POA). This means that Mr T is not the eligible complainant in this case, and so I wouldn't have looked to make any compensation award to him, even if I'd concluded that Nationwide had done something wrong in this matter.

Although I appreciate that my findings are likely to come as a disappointment to both Ms T and Mr T, my conclusion is that Nationwide does not need to do anything further.

My final decision

My final decision is that I do not uphold this complaint, and I make no award.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms T to accept or reject my decision before 20 February 2024.

John Swain
Ombudsman