

## **The complaint**

Ms L complains that Metro Bank PLC (Metro) made it unnecessarily difficult for her lasting power of attorney to get access to her accounts. She is represented by her power of attorney, Mr L.

For ease of reading, I have referred to Mr L throughout the decision as all communication has been with him.

## **What happened**

In September 2022, Mr L attended a Metro branch to set up power of attorney on Ms L's accounts – two current accounts and a credit card account.

By late October he'd received no update on the status of the accounts, so he complained. He was later told that power of attorney had been set up on two of Ms L's accounts but not her credit card account – this had been closed because it was dormant.

Mr L remained unhappy, so he complained again. He said Metro hadn't kept him updated and he didn't think the credit card account should've been closed. He was also concerned that Metro had done some credit searches on him.

Metro explained they were unable to find his previous complaint reference, so they set up a new one. They issued a final response in mid- December.

The final response acknowledged that Metro should've kept Mr L more updated on the power of attorney process and that it had taken too long to register the power of attorney to Ms L's accounts. It paid £75 compensation to Ms L to recognise the distress and inconvenience caused.

Mr L didn't think this was enough compensation and he was annoyed the money had been paid to Ms L and not him. He also wanted Ms L's credit card account to be re-instated, so he brought the complaint to this service.

One of our investigators looked into the matter. They asked Metro for some further information on the case and Metro replied with a further offer. They offered £175 to Mr L for the delay in registering the power of attorney to his mother's accounts and the poor level of service he received.

Mr L was still concerned about the credit searches that had been completed on him and that his mother's credit card account had been closed.

One of our investigators issued an opinion and explained that the credit searches that Metro completed were 'soft searches' and shouldn't impact Mr L's credit file or ability to obtain credit. They also explained that Metro was entitled to close Ms L's credit card account because it hadn't been used in some time and the terms and conditions allowed for this. And finally, they said they couldn't comment on the additional £175 offered to Mr L because under our rules he wasn't the eligible complainant, Ms L was.

Mr L didn't agree with the investigators findings and asked for an ombudsman's decision. He still didn't think the compensation offered reflected the distress caused.

I considered the complaint and issued a provisional decision. In summary my provisional decision said the following:

- Metro took too long to apply the lasting Power of Attorney to Ms L's accounts.
- The soft searches completed by Metro when applying Mr L as power of attorney were routine checks and part of its process.
- The closure of Ms L's credit card account was considered under a different reference by this service, so I did not comment on this. But I did say that it may well have come about as a result of the request to apply power of attorney to Ms L's accounts.
- I couldn't comment on the fact Metro lost Mr L's original complaint because we cannot consider complaints about complaint handling.
- Lastly, the offer of £75 compensation to Ms L was fair for the inconvenience caused. I noted that Metro had also offered Mr L £175 compensation, but because he wasn't the eligible complainant, I said I couldn't comment on whether this was fair or not.

Mr L responded to my provisional decision with some further questions about what I could and could not consider. He also asked whether all compensation could be paid to Ms L.

Metro confirmed that it would be happy to pay all compensation to Ms L - £250 in total.

I wrote to both parties explaining that because Mr L wasn't the eligible complainant in this case – Ms L was, I wouldn't be able to make a finding on anything that directly impacted him. I also confirmed that Metro had agreed to pay the additional £175 to Ms L, and I thought this was fair in the circumstances. I gave both parties a week to provide comments, but I did not receive anything further. So, my final decision is as follows.

### **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.

*Metro took too long to apply the power of attorney to Ms L's accounts, and they didn't keep him updated*

Mr L originally requested for the lasting power of attorney to be registered against Ms L's accounts in mid- September 2022. He wasn't updated throughout the process and even when the power of attorney had passed the internal checks, which was a month or so after the initial request, Mr L wasn't told. Mr L made several calls to Metro to chase it up but wasn't given accurate information. The lasting power of attorney was finally registered to Ms L's accounts in early December 2022.

Metro recognised this wasn't good enough and have agreed to pay Ms L £250 (£75 has already been paid) for the overall inconvenience caused. I think this is fair in the circumstances and reflects the worry and frustration caused.

*Metro completed searches on Mr L which he is concerned have affected his credit file*

Mr L has provided evidence of his credit report which show some searches were completed

on him by Metro. He is concerned this might affect his credit file and his own financial affairs.

Metro have said the searches were completed initially as part of its 'security checks', ahead of approving Mr L as power of attorney. It also then had to do the searches once again in December when they registered the lasting power of attorney to Ms L's accounts. It has said this is part of its process, the searches are classed as 'soft searches' and shouldn't affect Mr L's credit file.

Mr L isn't the eligible complainant in this instance, Ms L is. So, I cannot comment on the impact this has had, or might have on Mr L's credit file. But I am satisfied that this is part of Metro's process when approving a power of attorney on an individual's account.

#### *Ms L's credit card account was closed*

The closure of Ms L's credit card account might well have come about because of the request to register lasting power of attorney on Ms L's account. I say this because it may well have come to Metro's attention, through its actions of registering the power of attorney, the account hadn't been used for some time. But that doesn't mean it was wrong for Metro to close the credit card account. The terms and conditions of the account allow for Metro to close the account if it hasn't been used in some time, so I can't say Metro has acted unfairly by closing it.

A final decision has already been issued on another complaint raised by Ms L about the closure of her credit card, so I won't be making any further comment on this.

#### *Mr L complains about how Metro handled the complaint and lost the original concerns raised*

The rules set out by the Financial Conduct Authority detail the complaints we can consider. Complaint handling on its own, isn't a regulated activity – which is set out in DISP 2.3. Therefore, the complaint point Mr L has raised about Metro losing his original complaint, isn't something I can consider.

### **Putting things right**

Metro has already paid £75 compensation to Ms L. It also previously offered Mr L £175 compensation for the trouble it caused him, but has since agreed to pay this to Ms L.

Metro took too long to apply the power of attorney to Ms L's accounts. The delay and lack of communication caused worry and concern to Ms L. So, taking everything into consideration, I'm satisfied that £250 is fair compensation for the trouble and upset caused.

### **My final decision**

For the reasons I've explained above, I uphold this complaint.

Metro Bank PLC should pay £250 (minus £75 already paid) to Ms L.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms L to accept or reject my decision before 25 April 2024.

Rachel Killian  
**Ombudsman**