

The complaint

Mr W, on behalf of Mrs R, complains about the information Yorkshire Building Society (YBS) required before registering a Lasting Power of Attorney (LPA).

What happened

Mr W says he holds a LPA for Mrs R and she holds a YBS account. He says he tried to register the LPA, but YBS required a form to be completed. Mr W says the form required him to provide details of his financial status which is contrary to the rules as well as unnecessary. He also says YBS told him that it was complying with new rules introduced in January 2024, but he can't find any reference to such a change.

YBS accepts there was no rule change in January 2024 but says it was entitled to request the information about Mr W. It says it does so to comply with various regulatory requirements and legislation.

Mr W brought the complaint to us, and our investigator didn't uphold it. The investigator thought YBS was entitled to ask for the information and that it wasn't our role to direct it about the information it requires to comply with various regulatory obligations. The investigator explained that this service could not make a compensation award to Mr W in any event as he isn't the customer here.

Mr W doesn't accept that view and questions why he would provide the information to a business that doesn't know the rules about a LPA registration. He would like YBS to register the LPA without details of his financial affairs.

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 done so I have come to the overall view that I don't require YBS to do anything further in the circumstances of this complaint.

I have no doubt that Mr W knows that every bank and building society has different requirements or forms that need completing before a LPA can be registered on an account. And that those banks and building societies must comply with a variety of rules and regulations which require them to obtain information before a LPA can be registered.

It is not our role as a service to direct a business about how it complies with its regulatory duties or comment on its procedure for complying with such duties. It is for a business to decide how it best complies with those requirements and we are not, as in this case, YBS's regulator.

Having said that I appreciate Mr W's frustration here as he was clearly and incorrectly told by YBS that it was complying with new rules or regulations that came into force in January 2024 which was not the case. And I understand why Mr W questions the relevance of his income

but for the reasons I have explained, I think it's up to YBS to decide, when exercising its commercial judgement, if the form meets its regulatory requirements.

I can see that the investigator has explained to Mr W that we could not order compensation to him in these circumstances. I appreciate that is not an issue Mr W raises, as what he would like is for YBS to register the LPA without him providing his financial details. I hope Mr W appreciates that is not something I can direct YBS to do.

Overall, I appreciate Mr W will be disappointed with my decision and that he will have unanswered questions about YBS's stance on this issue, which for the reasons I have explained, are not matters we can change.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs R to accept or reject my decision before 4 September 2024.

David Singh
Ombudsman