

## **The complaint**

Ms F and Mr B's father on behalf of Mr B, complain that Nationwide Building Society ("Nationwide") took decisions regarding Mr B's money held with it without consulting him or his family and failed to act in Mr B's best interests or provide the support he needed to access banking facilities with it and manage his financial affairs.

## **What happened**

Mr B suffers from mental health problems and due to other health conditions, his immune system is compromised, which means it can be unsafe to visit places and have contact with others outside a controlled environment.

Mr B holds a cash builder card account with Nationwide where he has a card he can use to access his funds. In October 2022 Mr B's father took Mr B into a local branch to address problems Mr B was having with his mental health and find out ways Nationwide could support him such as opening a current account or getting a debit card. Nationwide updated its system with these details and its safeguarding team was contacted who would get in touch, as well as the local governments safeguarding team ("X").

In response to this visit in January 2023 Nationwide's internal notes record a member of its specialist support team (SST) got in contact with Mr B who confirmed he is supported by social services and they are going to court in the next few weeks regarding his finances as they don't feel he can manage himself at present. Mr B advised although he owns a property outright, he is in around £10,000 in debt due to bills and this will be paid once social services sort out his finances. Mr B was looking to open a current account and get a debit card elsewhere as Nationwide had cancelled the last one due to a previous debt on his current account and that he doesn't require any extra support from Nationwide.

Nationwide's notes record Mr B's and his father again got in touch with Nationwide's SST on 29 March 2023. A SST member asked how it could support Mr B going forward and Mr B's father asked them to list all support that is available. It was explained that everything is bespoke and that it needed to know what Mr B couldn't do due to vulnerability and that they can look at if it has ways to overcome this.

They requested a debit card, online banking access and a current account to allow Mr B to manage his bills and arrange for supplies to be delivered. The SST member confirmed internet banking was not blocked and that a current account can be opened online or that they can provide a telephone number that can be used to open a current account, but Mr B's father declined this.

The SST member asked about what support is needed or what Mr B is struggling to do through the usual channels. Mr B's father then informed Nationwide that X have a deputyship order for Mr B despite his family believing that he had full capacity and provided the staff member with the Court of Protection (COP) details. Nationwide checked this with the COP who then emailed the details on 30 March showing X was appointed under an interim order as Mr B's deputy to manage his financial affairs on 21 September 2022.

Nationwide registered this on 13 April 2023. Nationwide added X to Mr B's account and applied restrictions to his account.

Nationwide emailed X and asked if as deputy they thought Mr B should have access to his money at ATM's and to let it know as soon as possible so it could remove the block with minimal inconvenience. It also asked about any limits it wished to set on Mr B's account regarding the withdrawal of funds and explained he would need to go into branch to transact and asked for clarification as to how Mr B's funds were to be managed.

Soon after Mr B visited a branch of Nationwide and tried to withdraw £200 but this was declined as Nationwide hadn't had a response from X regarding withdrawals from the account.

Mr B and his family were very upset by this and this triggered the current complaint to Nationwide. X responded to Nationwide and set a limit for how much Mr B could withdraw from his account. Mr B and his family were upset by this and complained to both Nationwide and X.

There was to be a court hearing in May 2023 regarding X's appointment, but X withdrew from this the day before it was to take place. Following formal assessment of Mr B's capacity, it was concluded that Mr B had capacity to manage his affairs including financial matters and a final order was issued on 30 May 2023 confirming this and discharging X as Mr B's deputy. Nationwide was advised of this by X on 7 June 2023 and all restrictions were lifted from his account.

Mr B wishes to have access to his banking facilities including a current account and to receive the appropriate care and support from Nationwide to allow him to do this. Mr B and his representatives say Mr B has only had a cash card since September 2022 and has accumulated debts of around £10,00 due to not having access to full banking facilities.

Ms F and Mr B's father complain that Mr B was given no warning that he wouldn't have access to his money which caused further stress. They don't believe Nationwide have fulfilled its duty in providing Mr B a vulnerable customer with the support needed by offering a phone number to someone who has the issues Mr B has. They believe if Mr B's needs couldn't be met at his local branch that Nationwide should have suggested another branch with appropriate staff who can support Mr B's needs which require seeing a person physically to explain and help with the process of opening an account.

Nationwide didn't uphold Mr B's complaint as it followed the correct procedures on receipt of the COP order. It says that as the COP confirmed that Mr B lacked capacity it wouldn't make contact to avoid further distressing someone in his position further. It says it placed restrictions on Mr B's account so nobody would be able to access funds without either going to branch or speaking with the relevant team in order to safeguard Mr B and his finances.

Nationwide say that as soon as it was notified of the X's discharge it lifted all restrictions on Mr B's account but that its SST has been unable to get a clear and concise answer as to the needs of Mr B so it can look at what support it can offer him. It says Mr B has access to internet banking and that it can open a current account online or provide a number for the team that can open a current account for him, but that Mr B's father had declined to take the telephone number.

Alternatively, Mr B can open an account in branch with one of its Member Relationship Managers – which were introduced recently. Nationwide acknowledges that before this service was introduced it would've been more difficult to book a face-to-face appointment but

that its staff at Mr B's local branch would've been happy to help Mr B and his father if they wished to attend a branch.

Our investigator looked into the concerns raised but didn't think Nationwide had treated Mr B unfairly as following receipt of the interim deputyship order and as per this followed its procedures and took the necessary steps to safeguard Mr B's account. They thought given that Nationwide had been notified of X's deputyship and that as Mr B was deemed not to have capacity that it was reasonable to direct all communication to X regarding Mr B's account with it.

Furthermore, following listening to a recording taken at a branch visit to Nationwide in October 2022 and call recordings between Nationwide's specialist support handler and Mr B's father in February and March 2023 they thought Nationwide had repeatedly asked what support Mr B needed and provided options for assisting Mr B with getting a debit card appropriate for his circumstances, but that Mr B's father declined this. They also didn't think Nationwide had been given any information surrounding Mr B's particular needs or support besides wanting access to online banking and a current account and so didn't think Nationwide had treated Mr B unfairly or were responsible for the debt Mr B accumulated.

Mr B's representatives disagreed, they don't believe Nationwide have treated Mr B fairly or appropriately considering his mental health and that safeguarding issues have been raised numerous times. They don't believe the options Nationwide gave him to use its banking facilities were good enough and have asked for an ombudsman's decision on the matter.

### **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.

There has been a lot of correspondence submitted by Mr B and his representatives on this complaint and I hope that Mr B or his representatives won't take it as a discourtesy that I've condensed his complaint in the way that I have. It is very clear Mr B and his family have been through a very distressing time and Mr B's circumstances are very difficult and continue to be so and for which I have much sympathy.

It might help if I explain here my role is to look at the problems Mr B has experienced and see if Nationwide has done anything wrong or treated him unfairly. If it has, I would seek – if possible - to put Mr B in a position that he should be in had Nationwide done it things as it should've, and I may award compensation that I think is fair and reasonable.

I'm mindful that a number of organisations have been involved in Mr B's care, support and financial welfare – and I should make it clear that my decision and this services investigation is limited to the actions taken by Nationwide for the period this complaint covers from around September 2022 - and not any previous complaints raised and brought to this service before.

There are two aspects to Mr B's complaint. Firstly, surrounding access to Mr B's account when Nationwide was informed that X had been appointed as Mr B's deputy. And secondly, the support Nationwide offered to Mr B to access its banking facilities following X's discharge.

And having considered all the evidence – and I know this will come as a disappointment - I'm in agreement with our investigator that I don't think Nationwide has made an error or treated Mr B unfairly and don't think there is anything much more of use I can add.

I appreciate the distress that Mr B suffered when Nationwide applied restrictions to Mr B's account when the interim deputyship order was received and Nationwide's diversion of communication to X – but I don't think this course of action was unreasonable in the circumstances.

Nationwide is under a duty to safeguard Mr B's financial affairs and when it received notification that Mr B no longer had the mental capacity – rightly or wrongly - to manage his financial affairs it followed its processes and took the action it considered necessary to comply with that obligation and diverted its communication to the deputy who had been given the legal authority to make decisions on this – including how much money Mr B could have to live on and how he could access it.

I accept this caused significant upset as it meant at times there were delays in responding to Mr B and his family's concerns regarding Mr B's financial needs and access to his money for his day to day living. But these delays weren't due to Nationwide's actions, but rather Mr B's circumstance's in having X being legally appointed in the interim to manage Mr B's affairs. If Nationwide hadn't diverted to communicating with X on these matters, it wouldn't be taking the action it was legally required to in safeguarding Mr B's affairs. So, I can't say Nationwide has made a mistake here or treated Mr B unfairly.

Regarding the second aspect of Mr B's complaint – access to his account and the support offered to Mr B as a vulnerable customer, again I'm in agreement with our investigator that after considering all the evidence I don't think Nationwide have treated Mr B unfairly. As soon as it was notified of X being discharged from the interim deputyship order Nationwide lifted the restrictions on Mr B's account – giving him once again access to his funds.

It is still unclear to me exactly what Mr B and his family want from Nationwide in terms of support for him. Mr B and his representatives say they want him to be able to open a current account with a debit card and have access to online banking. But my understanding is that Mr B already has access to online banking and have explained Mr B can open a current account online or over the phone. But then Mr B's father says Mr B doesn't have access to the internet and won't take the number provided – as he doesn't believe this offers him the appropriate support.

Nationwide have repeatedly asked what type of support Mr B needs and what isn't suitable in terms of Mr B's vulnerabilities – yet they still haven't received a definitive answer on this. If it's a face-to-face meeting they want Nationwide have offered a branch appointment with one of its Member Relationship Managers where they can explore further what Mr B needs and wants are. But as I understand it a visit to a branch is also not appropriate due to Mr B's compromised immune system and the difficulties in traveling to branch. Without Mr B or his representatives explaining to Nationwide what Mr B's needs are I can't see what more Nationwide can do. And as such I don't think Nationwide have treated Mr B unfairly as I think it has provided all the support it can on the information it had.

**My final decision**

For the reasons I've explained I've decided not to uphold Mr B's complaint against Nationwide Building Society.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 20 August 2024.

Caroline Davies  
**Ombudsman**