

The complaint

Mrs O complains that Motability Operations Limited won't accept her husband as her appointee in connection with a hire agreement under which a car was supplied to her. Her husband is also involved in her complaint.

What happened

Mrs O entered into a hire agreement with Motability Operations for a car to be supplied to her. She told Motability Operations that her husband was her appointee for the purposes of that agreement and, when it didn't accept that he was her appointee, she complained to it. Motability Operations sent its final response letter to Mrs O in February 2024. It said that it had contacted the Department of Work Pensions (the "DWP") who told it that Mrs O's husband isn't her appointee and it can't make him the appointee on the car lease if he isn't authorised as an appointee by the DWP.

Mrs O wasn't satisfied with its response so complained to this service. Her complaint was looked at by one of this service's investigators who, having considered everything, didn't think that it should be upheld. She said that she hadn't been provided with any evidence which confirms the DWP holds Mrs O's husband as an appointee for Mrs O and Motability Operations had contacted the DWP who told it that he isn't her appointee. She didn't find it unreasonable that Motability Operations had declined to record Mr O's husband as an appointee under her agreement.

Mrs O didn't agree with the investigator's recommendation and asked for her complaint to be considered by an ombudsman. She says that Motability Operations had previously accepted her husband as her appointee. Mrs O's husband has provided detailed responses to the investigator's recommendation and says, in summary and amongst other things, that the main point of the complaint is that Motability Operations decided to elongate a contract with him as his wife's appointee because that suited it but refused to keep him as her appointee as part of reasonable adjustments under the Equalities Act 2010 and has ignored the provisions of that Act.

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.

Mrs O told Motability Operations that her husband was her appointee for the purposes of her new hire agreement. Motability Operations said that it had contacted the DWP who told it that Mrs O's husband isn't her appointee and it can't make him the appointee on the car lease if he isn't authorised as an appointee by the DWP. It said that the DWP administers disability and ill health benefits and determines who makes and maintains a benefit claim. It said that if the DWP authorises an appointee to deal with the benefits of someone who can't manage their own affairs, the appointee will be the person who manages the car lease for that person.

I've not been provided with evidence to show that Motability Operations should then have accepted Mrs O's husband as her appointee. I'm not persuaded that reasonable adjustments under the Equalities Act would extend to requiring Motability Operations to accept Mrs O's husband as her appointee when the DWP had told it that her husband wasn't her appointee.

Mrs O and her husband say that Motability Operations decided to elongate a contract with him as his wife's appointee because that suited it. Motability Operations acknowledges that errors have occurred in the past which led to Mrs O's husband being her appointee but it says that more stringent checks for applications are now in place and that it has been confirmed that Mrs O's husband isn't and shouldn't have been accepted as her appointee on any agreements.

I'm not persuaded that there's enough evidence to show that Motability Operations has acted incorrectly in not accepting Mrs O's husband as her appointee in connection with the hire agreement and I consider that its response to Mrs O's complaint was fair and reasonable. I appreciate that this will be disappointing for Mrs O and her husband, but I find that it wouldn't be fair or reasonable in these circumstances for me to require Motability Operations to accept Mrs O's husband as her appointee or to take any other action in response to her complaint.

My final decision

My decision is that I don't uphold Mrs O's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs O to accept or reject my decision before 10 December 2024.

Jarrold Hastings
Ombudsman