

The complaint

Mr M complains on behalf of Mrs W, that Nationwide Building Society (Nationwide) failed to safeguard Mrs W's confidentiality when it should have done so. He would like Mrs W to be compensated.

What happened

The details of this complaint are well known to both parties so I won't repeat them again here, instead I will focus on giving the reasons for my decision.

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 reached the following conclusions: -

- I appreciate Mr M isn't happy that a third party accompanied Mrs W to a branch in January 2023 where Mrs W withdrew £100 and got copies of bank statements that Mr M says she gave to the third party. He says Nationwide should have known that Mrs W lacked capacity to carry out transactions. His main concern seems to be that provision of the statements allowed a third-party access to information to support an objection to his appointment as a Lasting Power of Attorney (LPA)
- Nationwide said as no Power of Attorney (POA) was in place at the time the money and statements were provided direct to Mrs W. It explained that the LPA was only added to the account in June 2023 at which point its records show the registered POA and the account holders mental capacity status. Additionally, as I understand it, Mrs W was known to the branch and although Mr M has told us the branch would know Mrs W was in a care home that wouldn't automatically mean that Mrs W lacked capacity. I think it's also likely the third-party may also have been known to branch staff as she is a relative of Mrs W..
- Mr M has told us that an LPA was successfully registered which would have relied on medical evidence to show Mrs W lacked capacity. I agree. However, Mr W has also told us Nationwide wouldn't have been aware of this at the time of Mrs W's branch visit. He has also told us that a block was placed on Mrs W's account a day or so after the branch visit due to an Office of the Public Guardian (OPG) investigation. Unfortunately, I don't know what preceded the block so I can't be sure Nationwide were aware of this issue on the day Mrs W went into branch. So, unless staff at the branch saw some evidence of coercion, of which I have no evidence, considering all of the information I have I don't think it was unreasonable of Nationwide to comply with Mrs W's request to withdraw money and get copies of her statements.
- However even if Nationwide shouldn't have given the statements to Mrs W it seems to me the inconvenience here was to Mr M as he says that provision of the information allowed an objection to be raised to his LPA appointment. Whilst

information from the statements may have supported the objection this was clearly an issue both Mr M and the third party felt strongly about. So I think it's more likely than not that the objection would have gone ahead without the information from Mrs W's bank statements.

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 W to accept or reject my decision before 21 November 2024.

Bridget Makins
Ombudsman