

The complaint

Mr W's son, who holds a power of attorney for Mr W, complains about the level of service provided by TSB Bank plc (TSB) when trying to receive a payment on Mr W's account.

What happened

The details of this complaint are well known to both parties, so I will not repeat them here in detail. In summary, Mr W's son contacted TSB in July 2023 regarding a payment that Mr W was due to receive. During the call, Mr W's son experienced several issues in identifying himself to discuss the payment. These issues caused a delay, and he had to spend nearly an hour on the call.

As the call was not progressing, he requested to raise a complaint about the level of service. After waiting almost two hours, he finally managed to raise the complaint with TSB. A few days later, Mr W's son called back to provide a temporary phone number as he was abroad. However, this number was not recorded correctly, and he had to update it himself on the TSB banking app. Mr W's son continued to receive poor service while TSB was considering the complaint and having to repeatedly call TSB back caused him stress and inconvenience.

TSB upheld the complaint and paid £150 in compensation for the upset caused. Mr W's son did not agree with this resolution and referred the complaint to our service.

Our investigator reviewed the complaint and did not uphold it. She concluded that the core issue related to Mr W's son's call with TSB and the poor service that followed. In her opinion, since the inconvenience was primarily experienced by Mr W's son, the £150 compensation from TSB was sufficient.

As Mr W still did not agree, the complaint has been escalated to me for a final 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.

Mr W's son has made a number of points to this service, and I've considered and read everything he's said and sent us including the points he's made regarding Consumer Duty. But, in line with this service's role as a quick and informal body, I'll be focusing on the crux of the complaint in deciding what's fair and reasonable here.

It is important to clarify that complaint handling by a business is not a regulated activity. As such, some of the concerns raised—such as the time taken for TSB to issue an outcome or the time spent engaging with TSB's complaints team—fall outside the scope of my powers and cannot be considered as part of this decision.

I note that Mr W's son has referenced DISP 2.8.4G, arguing that it allows for exceptional circumstances to be taken into account, particularly given Mr W's incapacity. However, I do not agree with this interpretation. DISP 2.8.4G specifically relates to whether a complaint

was referred to this service within the required time limits. It does not extend to allowing me to consider matters outside the scope of our jurisdiction, as set out under DISP 2.5.

Our powers to make awards are also set out in our rules. We are legally required to act in accordance with those rules, we cannot act outside them. In this case that is particularly relevant because our rules allow us to make awards for distress and inconvenience, but only for the distress and inconvenience experienced by the consumer whose complaint we are considering. In this case, I am considering Mr W's complaint. That means I can only make an award for distress and inconvenience suffered by him and not his son. This has been a significant factor in deciding what award, if any, I should make in this case.

I acknowledge that Mr W's son has encountered difficulties while managing his father's financial affairs under the power of attorney. I fully understand why he has raised this complaint. My role is to assess whether TSB has made a mistake and, if so, determine an appropriate remedy.

While I am satisfied that Mr W's son has experienced inconvenience and poor service from TSB while managing the account, I am not persuaded that this had a significant direct impact on Mr W himself. Given that Mr W was incapacitated and suffering from multiple medical conditions, it appears that the power of attorney was established precisely to shield him from the administrative burden of handling his financial affairs. Based on the information provided, it seems unlikely that Mr W was directly affected by these issues.

Furthermore, when reviewing the call raised by Mr W's son, it is clear that the inconvenience described relates primarily to his own experience in dealing with these challenges. While I do not dispute that Mr W's son may have suffered distress and inconvenience, I am satisfied that the impact on Mr W would have been minimal, as his son was handling these matters on his behalf.

TSB has already paid £150 in compensation, which I consider to be a fair and reasonable amount for any distress or inconvenience Mr W may have suffered. While I recognise that Mr W's son has been personally affected by these issues and would otherwise merit an award, the rules do not allow me to make an award to him.

Given these circumstances, I will not be asking TSB to take any further action.

My final decision

For the reasons mentioned above, I don't uphold Mr W's complaint against TSB Bank plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 28 March 2025.

Jag Dhuphar
Ombudsman