

## **The complaint**

Mrs N complains on behalf of Ms P about the service received from NATIONAL WESTMINSTER BANK PUBLIC LIMITED COMPANY ("NatWest") when registering a Deputyship Order on Ms P's account. In particular, Mrs N is unhappy she wasn't notified about the stop put on the account resulting in Ms P being left without access to her funds and the rejection of multiple payments from her account.

## **What happened**

Ms P held a bank account with NatWest. Mrs N had a third-party mandate on Ms P's account but following being appointed her deputy by the Court of Protection she visited a branch of NatWest on 10 July 2024 to register the Deputyship Order against Ms P's account. Mrs N says during the visit a copy of the Deputyship Order was taken and Ms P's bank account details written down on it and she was told she'd receive communication shortly that the update had been made.

The following day Mrs N says she received a voicemail from NatWest's branch staff to say they'd forgotten to take Ms P's bank details and requested Mrs N email the information. Mrs N contacted NatWest service centre and requested the staff member to contact her if there were any issues. Having not heard anything Mrs N attended branch on 19 July and asked for the staff member's email address so she could message them directly.

On 21 July Mrs N went to make a transfer from Ms P's account and found she no longer had access to her accounts. Mrs N called NatWest and was told the accounts were still listed but greyed out and they didn't know why a stop had been applied and to call back the following day on the Monday.

Mrs N says despite emailing and calling NatWest about this she didn't receive a call back and only received a form on 25 July for her to complete to register as Ms P's deputy which she did and returned to branch the following day.

On 27 July Mrs N says she received a notification from an energy company that the direct debit for Ms P's gas and electric had been refused. Mrs N called NatWest and was told that a freeze had been put on the account until the Deputyship Order had been registered and it was likely if Ms P used her card that it would be declined.

Mrs N then raised a complaint with NatWest that it had put an unnecessary stop on Ms P's account without notifying her about this resulting in her not having access to her funds for day-to-day shopping.

NatWest issued its final response letter by email on 2 August and then again by post on 6 August. NatWest didn't agree an error had been made in the block being applied to Ms P's accounts as its records show that a stop to the account was placed on 18 July 2024 and was removed on 1 August two weeks later in-line with its process and under 5.3 of its terms and conditions which state that it:

“...May suspend or restrict the use of your accounts, or certain services (such as your debit card or online banking) if:

As a result of a change in the way you use your account or in your financial circumstances, we reasonably believe that you may have difficulty in meeting your commitments.”

But NatWest agreed that there had been delays on its part in relation to the time taken to action the deputyship. NatWest apologised for this and awarded £150 compensation for any distress and inconvenience caused and waved £1.55 for an unpaid fee regarding two of Ms P’s direct debits and confirmed Mrs N had been added as a Deputy to the account and that a new book and card will be ordered and sent.

Mrs N was dissatisfied with this. Mrs N says NatWest took too long to register the Deputyship Order and failed to respond to requests for a resolution.

One of our investigator’s looked into Mrs N’s concerns and agreed that NatWest made an error by failing to make Mrs N aware that its standard process when registering a deputyship order was to block the accounts in question to temporarily safeguard their customer. They agreed as a result of this both Mrs N and Ms P suffered some distress and inconvenience but didn’t think NatWest had to do anything more as they felt the waving of the £1.55 unpaid fee and £150 compensation for the distress and inconvenience suffered was fair. They explained that although Mrs N was authorised in law to represent Ms P she wasn’t an eligible complainant in her own right and so we weren’t able to award compensation for the impact caused to her personally.

Mrs N disagreed. She questions whether putting a stop on the accounts was NatWest’s standard process because she wasn’t informed of this and NatWest staff also didn’t appear to know about this process. Mrs N says the stop wasn’t the only reason Ms P didn’t have access to her money and that it was also because NatWest failed to send her a new debit card in good time and that Ms P was left in tears when she was unable to get cash from a branch of NatWest because of this.

Mrs N doesn’t believe the compensation NatWest paid for Ms P’s distress is sufficient for the inconvenience she personally suffered and the utter devastation caused when Ms P was turned away from branch empty handed following a two-mile trip.

And so the complaint has been progressed for an ombudsman’s 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.

I hope that Mrs N won’t take it as a discourtesy that I’ve condensed and described this complaint in the way that I have. It is very clear to me the strength of Mrs N’s feelings about the matter and I don’t want Mrs N to think that I’ve trivialised the experience she or Ms P has had.

But ours is an informal dispute resolution service, and I’ve concentrated on what I consider to be the crux of the complaint. Our rules allow me to do that. And the crux of the complaint is regarding the service received by NatWest when registering a Deputyship Order and its failure to inform Mrs N regarding the process - in particular, that a stop would be applied to Ms P’s account.

Firstly, I have to be clear that I can't look at the impact NatWest's actions have had on Mrs N personally. As our investigator has already explained, this is because I can only look at how NatWest's actions have affected the account holder - Ms P – as she is the eligible complainant.

So although I accept that Mrs N has been inconvenienced and distressed by NatWest's actions I can't look at compensating her personally for this if I found that NatWest had done something wrong or treated her unfairly.

I should also explain that as we are not the regulator, I don't have the power to tell NatWest how it needs to run its business and I can't make NatWest change its systems or processes – such as how it registers a Deputyship or when a stop is applied to an account following this. We offer an informal dispute resolution service and we have no regulatory or disciplinary role.

NatWest has already accepted that there were delays on its side in registering the Deputyship and I don't think it is in dispute that it failed to sufficiently inform Mrs N on the process it followed in that it didn't inform her that a stop would be placed on Ms P's account. So I don't need to make a finding on these points but rather what I have to decide is whether what NatWest has done to put things right is a fair way to resolve this complaint. And I think it is.

Fortunately, as I understand it Ms P has only been impacted minimally by the stop being applied to her account due to Mrs N having a redirect on Ms P's mail. Although I appreciate Ms P didn't have access to her funds while the block was in place, I've seen no evidence that she was aware of this or that some of her direct debits had been rejected. But rather that it is Mrs N who was caused a significant amount of distress and inconvenience trying to resolve the matter.

And so on this basis I think the £150 compensation and NatWest waiving the £1.55 unpaid direct debit fee is fair. I accept that the actions Mrs N has taken on Ms P's behalf – such as redirecting her mail – have likely lessened any distress and inconvenience Ms P might have suffered. But when assessing compensation, we can only look at what actually happened and the impact this caused.

I accept that following the lifting of the blocks on 1 August, Ms P who is vulnerable was both distressed and inconvenienced when she found she was unable to withdraw money from branch on 19 August and was left in tears by the experience. But my understanding was that this was due to her not being in possession of her bank card rather than a stop being in place or NatWest's delays in registering the Deputyship Order.

And as this event happened *after* Mrs N raised the complaint and NatWest had issued its final response, this is not something I can consider in this decision as I can't see that this particular complaint point has been raised with NatWest or that NatWest has had a chance to provide a response.

So on this basis I think what NatWest has already done to put things right for Ms P is fair and I'm not going to ask it do anything more. I appreciate this will come as a disappointment for Mrs N and that she has undoubtedly been caused both distress and inconvenience at a time when all she was trying to do was a selfless act in looking after Ms P's affairs. But as I've explained already as she isn't the account holder and merely acting as a representative of Ms P, I'm unable to consider compensation for the impact this has had on her personally.

**My final decision**

For the reasons I've explained, I've decided what NATIONAL WESTMINSTER BANK PUBLIC LIMITED COMPANY have already done to do to settle Mrs N's complaint raised on behalf of Ms P is fair and I'm not going to ask it do anything more.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms P to accept or reject my decision before 28 May 2025.

Caroline Davies  
**Ombudsman**