

The complaint

Mrs E's son Mr E is unhappy with Bank of Scotland plc trading as Halifax. Mr E held a Lasting Power of Attorney (LPA) on Mrs E's account. But he found that Halifax had removed his online access to the account.

Throughout the decision I'm referring to Mr E who brought the complaint.

What happened

Mr E said his mother wasn't capable of looking after her accounts and paying her bills herself. Mr E said the LPA was in place to allow him to make sure her finances remained in order.

Halifax apologised for stopping Mr E's access to the account. But it said the correct action was taken based on the information it had received. As this information wasn't directly relating to Mr E it said it was unable to divulge any further details. Halifax said it hadn't made any errors.

Mr E remained unhappy and brought his complaint to this service.

Our investigator didn't uphold the complaint. She said Mrs E had now instructed more recent solicitors, the solicitors had carried out further assessments on her capability and said these had shown that she could manage her own finances perfectly well. Our investigator accepted Halifax's position that it was acting as requested and in the best interest of its customer Mrs E. She accepted this would be inconvenient for Mr E but didn't think Halifax was trying to make things difficult. She accepted it acted in accordance with the wishes of Mrs E the account holder. More recently, she said Mrs E's solicitors have asked Halifax to allow Mr E access again to Mrs E's online account. Our investigator felt Halifax acted reasonably and it didn't have to take any further action.

Mr E didn't accept this and asked for his complaint to be passed to an ombudsman 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.

I completely understand the upset and frustration Mr E must feel in these circumstances. And it's notable how tricky things have become with his recent correspondence to this service showing the issues now occurring with Mrs E's finances such as paying for her ongoing care. The details he has provided shows that Mrs E's care invoices have been mounting up and without Mr E being able to deal with these, as he was previously, Mrs E may have found herself without her usual support and ongoing care.

Mr E contacted Halifax in February 2025 due to the sudden problems with his access to Mrs E's accounts. It appeared to Mr E that his LPA was suddenly being revoked without warning

or explanation. Halifax maintained that it couldn't disclose anything further due to General Data Protection Regulation (GDPR) restrictions.

Halifax said it empathised with Mr E's situation but felt it had arrived at its decision having taken account of all the relevant factors. It said it hadn't made any errors. But it noted Mr E had said there was a necessity of constant access due to his mother's medical conditions.

Mr E said in view of the medical conditions Mrs E suffers from and the fact she has regular carers Halifax shouldn't have acted without proof.

Solicitors on behalf of Mrs E said it had been instructed by Mrs E to revoke the LPA that applied to Mr E. It provided a copy of the revocation deed. It said Mr E was no longer Mrs E's attorney and all communication and invoices should go to her directly. It said Mrs E would instruct it further if she wanted further assistance.

Mrs E's solicitors said it didn't have an address to write to and inform Mr E of the LPA revocation. It said Mr E had gone abroad to work and Mrs E hadn't heard from him. It continued that it had three face to face meetings with Mrs E, each of these were for 30 minutes. It also said it had 14 telephone conversations with Mrs E too. Solicitors said there was no question of any lack of capacity or any lack of understanding on Mrs E's part. It said in view of this no formal assessment was required.

Solicitors said Mrs E felt she wasn't being consulted, she couldn't get copy bank statements, and only Mr E was being sent the account statements. It said this led to Mrs E instructing solicitors to prepare a deed of revocation. It concluded that Mrs E was capable of making her own decisions rather than all responsibility being with Mr E. Solicitors were satisfied Mrs E had capacity to revoke the LPA. I understand the reasons given by the solicitors, but I don't understand why the primary account holder wouldn't be able to get account statements at any point she wanted to. Mrs E is the Halifax's customer she should have access to her own account.

On the other hand, Mr E said the LPA hadn't been revoked, it was still in operation. And he provided a local council Mental Health Assessment from September 2024. At the end of that Assessment the expert practitioner said in their *"professional judgement"* Mrs E *"Does not have the mental capacity to make a decision."*

This is a very delicate complaint. And despite understanding Mr E's frustrations and upset I think Halifax had little choice but to listen to the wishes of Mrs E as she was the primary account customer. More recently Mrs E's solicitors wrote to Halifax asking it to allow Mr E access to the online account again. This way Mr E can again deal with Mrs E's financial requirements.

It's interesting that the LPA hadn't been revoked (or at least it hadn't when our investigator recently checked its status). But based on the discussions it had with Mrs E and Mrs E's solicitors I don't think Halifax had any option other than to allow the primary customer - Mrs E to control her own account as she and her solicitors asked for.

To Halifax and the solicitors acting on behalf of Mrs E she presented as having capacity to make her own decisions. And I think at the time it had to act on that, in the best interests of Mrs E.

It appears since then Mr E's fears have shown to be true with the threat of care being removed from his mother due to the non-payment of invoices. It seems Mr E was arranging those payments previously and without him having access to the funds bill payments have stopped.

So, although I think Halifax acted fairly and reasonably it's clear that something went wrong here. Mr E may wish to take action against the solicitors acting for Mrs E if he feels that's appropriate.

I think Halifax should make sure it clarifies with Mr E exactly what actions he can now take as part of the existing and long standing LPA.

My final decision

I don't uphold this complaint.

I make no award against Bank of Scotland plc trading as Halifax.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E to accept or reject my decision before 18 July 2025.

John Quinlan
Ombudsman