

## The complaint

Mr E, with the assistance of his representative Ms B, complains about the delays and difficulties he had registering a Lasting Power of Attorney (LPA) with Nationwide Building Society (NBS).

## What happened

I sent the parties a provisional decision in August 2025, in which I set out the following background information to the complaint and my provisional findings, as follows:

*Ms B, Mr E's representative, said she visited a branch of NBS with Mr E in early June 2024 to register her LPA for Mr E. She explained they provided the necessary documents and completed the steps required but said nothing happened after this visit and she didn't receive confirmation an LPA had been registered for Mr E.*

*Ms B explained she contacted NBS again towards the end of 2024 and discovered the LPA hadn't been registered. She described having to complete the required documentation again.*

*Ms B lives a significant distance away from Mr E, she therefore asked NBS to send confirmation it had registered the LPA to her address. Ms B said she explained to NBS Mr E was likely to destroy any documentation he received through the post. Ms B said NBS refused to send any confirmation to her, indicating it wouldn't change the correspondence address. Ms B said this is not what she asked for and described the difficulties not having confirmation of the LPA caused her.*

*Ms B said she also complained to NBS about the delays she had experienced when trying to register the LPA. She said she wanted to know why NBS had refused to send her confirmation after she had registered the LPA. She also requested NBS review its policies and practises to ensure attorneys are treated fairly and consistently, explaining she understood another co-attorney for Mr E had not experienced the same issues she had.*

*NBS wrote a final response letter explaining it didn't think it hadn't done anything wrong. NBS said it didn't have any record of Ms B visiting it in June 2024 and said it had agreed it would continue to send correspondence to Mr E. In a further response, NBS said Ms B had agreed in early 2025 an email NBS sent, confirming Ms B had LPA for Mr E, was acceptable. NBS also confirmed Ms B held LPA for Mr E and provided a reference number in this complaint response letter. It said Ms B could call its dedicated LPA line if the letter wasn't sufficient.*

*Ms B maintained she wanted separate written confirmation the LPA had been registered, not reference to it in a complaint response letter. She also wanted NBS to explain the delays and complete a more robust investigation into what happened when she visited the branch in June 2024.*

*Our investigator didn't think NBS needed to take any further action. They thought NBS had applied its policies and acted fairly and reasonably in the circumstances.*

*Ms B disagreed with our investigator's recommendation. She explained NBS had not accommodated Mr E's vulnerable situation, adding she had had to visit the branch multiple times in person and had to travel a significant distance to do this.*

*She also explained the distress this had caused her personally, and was dissatisfied the investigator's view had said our service couldn't recognise this.*

*I asked Ms B to provide evidence to our service about Mr E visiting NBS in June 2024. Ms B provided a copy of the forms she had completed, dated 4 June 2024. She also provided two journal entries referring to the visit on 5 June, and a diary entry showing she had recorded this visit. One of the journal entries also recorded the name of a manager she had been given during the visit.*

*As Mr E rejected our investigator's recommendation, his complaint has been passed to me to make a final decision.*

### **My provisional findings**

*I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.*

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*I appreciate how strongly Mr E, and his representative Ms B, feel about this complaint. Although I may not mention every point raised, I have considered everything but limited my findings to the areas which impact the outcome of the case. No discourtesy is intended by this, it just reflects the informal nature of our service.*

*Where evidence is incomplete, inconclusive or contradictory, I have to make decisions on the balance of probabilities – that is, what I consider is more likely than not to have happened in light of the available evidence and the wider surrounding circumstances.*

*Firstly, I was sorry to hear of the difficulties Mr E and Ms B have had regarding this matter.*

*I shall deal first with the visit Ms B claimed occurred on 5 June 2024. NBS has said it doesn't hold any record of this visit. However, the evidence Ms B has since provided is compelling.*

*She has been consistent throughout and appears to have kept good contemporaneous records during the period in question, and I can't see any reason to doubt her evidence.*

*I have also examined the 'contact' recorded by NBS for Mr E during this period. There does appear to have been some discussion regarding the LPA towards the end of May 2024. The notes NBS have provided are not clear, but this would coincide, and to some degree substantiate, the claims Ms B has made regarding this visit.*

*Because of this evidence, I am provisionally satisfied it is more likely than not she did visit the branch of NBS on 5 June with Mr E, and NBS didn't action or record the details of the visit or the LPA she submitted.*

*Furthermore, because of this it seems likely this meant Mr E and Ms B had to revisit the branch local to Mr E. I therefore provisionally uphold these parts of Mr E's complaint.*

*I now move on to discuss NBS refusing to write to Ms B and provide a letter confirming she held LPA.*

*Our service makes decisions on the basis of what is reasonable and fair considering all the circumstances. I am satisfied Ms B asked NBS to send her a letter confirming she had LPA for Mr E. NBS said it could only send this to Mr E and not Ms B.*

*Ms B lives some distance away and wanted a letter for her records, she also described how Mr E would likely dispose of any such mail before she had the opportunity to retrieve it.*

*In deciding what I think is fair and reasonable I have considered the duties on NBS after the LPA had been registered. As Ms B had an LPA in place, if she had requested other documents, for example copy statements, I would fully expect NBS to send these to her as Mr E's LPA. It also appears from the file NBS sent our service, there was a copy letter on file sent to Mr E in December 2024, explaining the LPA.*

*There are two points I would therefore make regarding this. Firstly, I think it was an entirely reasonable request by Ms B to ask for written confirmation of the LPA in the specific circumstances outlined above. I also think, for the reasons above, she was entitled to a copy of the letter sent to Mr E.*

*Secondly, I am provisionally persuaded NBS missed an opportunity to send a copy of the letter it sent to Mr E when Ms B raised a complaint. I think sending a copy of this letter would have been a reasonable and fair thing to do in the circumstances and resolved the issues Ms E had raised.*

*To be clear, I also don't think NBS was incorrect in sending the letter to Mr E, it needed to do this. I provisionally think it should have sent a copy to Ms B when asked. I therefore provisionally uphold this part of Mr E's complaint.*

*I think it would help if I explained the rules regarding representatives acting on behalf of customers at this point.*

*Our service normally expects the customer to bring their complaint to us, but we allow representatives to make complaints on behalf of the customer, or the eligible complainant they are representing, but there are restrictions on what representatives can complain about.*

*The rules do not allow for representatives to complain about the service they have experienced or received when acting on behalf of another. The Financial Conduct Authority (FCA) Dispute Resolution Handbook, which sets the rules for our service, explains under DISP 2.7.1 "A complaint may only be dealt with under the Financial Ombudsman Service if it is brought by or on behalf of an eligible complainant". I have underlined the key part of this rule we are concerned with here for clarity.*

*This means any representative, when acting as such, can only complain to our service when it is specifically about issues affecting the eligible complainant.*

*So, in this case Mr E is the only eligible complainant, and I can only consider the impact this issue had on him. For this specific element of Mr E's complaint I can't provisionally see there was any impact on Mr E. Ms B hasn't given details of any specific issues not having this letter caused Mr E, so this would limit any award or findings I could make on this point.*

*Likewise, I appreciate Ms B had to travel some distance and resubmit forms. In the same vein, again I can only consider the impact this had on Mr E.*

*However, I am satisfied there would have been some impact on Mr E for the first matter regarding the visit to the branch, and this would have been relatively significant. Ms B has explained his circumstances, and I have no reason to doubt this would have caused him*

*some reasonable distress and inconvenience. I will consider this further at the end of this decision.*

*Moving on to the timeliness Mr E has complained about. I have already dealt with the issue of 5 June and upheld it, so I will consider this matter in isolation and separate from these delays. I can see the new POA was registered on NBS's systems on 25 December 2024 following a submission of new forms, signed and dated 9 December 2024. As explained, NBS said it sent out a letter to Mr E in December 2024 advising of the LPA, I understand our investigator has since provided a copy of this letter to Ms B more recently.*

*It therefore appears NBS did register and send out confirmation within a reasonable timescale after received the new forms. So, I don't intend to uphold this part of Mr E's complaint.*

*Finally, I can see Ms B has more recently said NBS policies breach equality legislation. I've taken the Equality Act 2010 into account when making my final decision on this complaint, as it is relevant law, but my role is to decide what is reasonable and fair. Only a court can decide whether the Equality Act 2010 has been breached.*

*I can also see she has explained recently how NBS policies and procedures regarding LPAs differs to other financial institutions she has had to register with. For example, she explained only NBS required her to attend in person with Mr E. There are two points I would like to make regarding these, and other, more recent submissions to our service.*

*Firstly, with regards to the policies and procedures NBS has in place, our role isn't to punish or regulate businesses. How businesses choose to operate and the systems and processes they have in place is not something we consider as part of a complaint. These are often commercial decisions based on that businesses risk appetite, and the business is usually entitled to make such decisions.*

*Secondly, I have examined the original complaint correspondence Ms B had with NBS and I am satisfied some of the more recent submissions to our service are new complaint issues. I can't see they were included in the original complaint, which has been the focus of this provisional decision, and as NBS hasn't had the opportunity to comment or respond, I am unable to consider some of these issues further in line with our legal remit.*

*In summary, I do not uphold all the elements of Mr E's complaint. However, I am provisionally satisfied it is likely the issues regarding the failure to register the LPA on 5 June caused Mr E some distress and inconvenience. But for the reasons I have given, it isn't possible to award for the distress and inconvenience Ms B has explained, as she was not the eligible complainant.*

*I also provisionally see no reason why NBS couldn't send a copy of the letter it sent to Mr E in May 2025. It would seem to have taken some time for any letter to be generated, considering the LPA was registered towards the end of December. However, I haven't seen any evidence of an impact on Mr E here, so can't make an award.*

*Having considered this carefully, I provisionally think NBS should pay Mr E £150 compensation for the distress and inconvenience it caused him. This is in line with what I would expect in the circumstances presented and within the general framework our service uses when assessing compensation amounts. I provisionally think this is fair and reasonable in the circumstances.*

*Finally, as this is different to the recommendation of our investigator, I once again invite both parties to make further representations before I reach my final decision.*

## **My provisional findings and the parties' responses**

Both parties responded to my provisional decision.

Ms B requested a written apology from NBS with the proposed compensation. She explained Mr E's complaint had involved a vulnerable customer with dementia, and that *'Nationwide itself publicly recognises and commits to supporting [such groups] through its customer care initiatives'*.

NBS said it had sent a letter to Ms B on 20 January 2025 confirming LPA was in place. It didn't accept it had *refused* to send such confirmation. However, NBS did accept *'We appreciate we could have sent a separate letter to the complaint outcome confirming LPA had been set up.'*

NBS accepted my provisional decision regarding the branch visit based on the evidence helpfully provided by Ms B. NBS accepted *'is it likely they did visit the branch in June 2024 and we are sorry nothing was done to progress matters.'*

NBS also accepted my provisional thoughts regarding compensation of £150.

I am therefore pleased to see both parties are broadly in agreement with my provisional findings. As NBS has apologised in its response to our service, I would direct it to now write to Mr E repeating the sentiments above and apologising. I would also ask it sends a copy of this letter to Ms B,

## **My final decision**

For the reasons I have given, I require Nationwide Building Society to pay £150 to Mr E for the distress and inconvenience this matter has caused him.

I also require Nationwide Building Society to write a letter to Mr E apologising for the poor service as explained above, with a copy of this letter sent to Ms B.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E to accept or reject my decision before 2 October 2025.

Gareth Jones  
**Ombudsman**