

## **The complaint**

Mr T complains that Yorkshire Building Society failed to recognise a third-party authority in place that allows his son to discuss his financial affairs on his behalf. Mr T says that as a result he was excluded from a financial service which amounts to discrimination under the Equality Act on the grounds of disability.

## **What happened**

Mr T's son, who I'll refer to as Mr T2, called Yorkshire Building Society ("YBS") to obtain information about his father's account. He says that he told the agent he had third party authority in place, but the agent refused to progress the call in the absence of a registered Power of Attorney ("PoA")

Mr T2 says he was spoken over and the agent's attitude towards him was obstructive and unreasonable. This led to his father being denied equal access to a service by way of a reasonable adjustment put in place so his disability would not be an issue.

Mr T2 says the agent ended the call without filing a formal complaint as requested and, in the event the disconnection was accidental, he's unhappy that the agent didn't attempt to call him back.

Mr T2 complained to YBS on behalf of Mr T. YBS upheld the complaint in part. YBS said there was a reasonable misunderstanding about the third-party authority in place, but it didn't agree that the agent acted in a discriminatory way. YBS accepted that communication around the third-party authority could have been clearer. YBS also said that the agent should have called Mr T2 back after the call got disconnected. For these reasons, it upheld the complaint and offered Mr T2 £75 compensation to recognise the poor service he received.

Unhappy with YBS' response, Mr T2 referred this complaint to our Service on behalf of Mr T. Mr T2 later told our service that he was unhappy he was referred to by the abbreviation 'Mr' in communication from YBS and he wanted this included in the complaint.

Whilst Mr T2 feels that he has also personally received poor service from YBS, he says he's making this complaint on behalf of his father – who in this case is the eligible complainant. And he understands that any potential compensation award can only be made to Mr T. This therefore means that we can't consider any complaint points relating to the service that Mr T2 has received from YBS.

An investigator at our service looked into things and didn't find that YBS had treated Mr T unfairly or in a discriminatory way. Whilst YBS acknowledged some failings in its handling of the call, the investigator explained that because Mr T2 is not an eligible complainant, she's unable to comment on whether the compensation awarded to him is fair.

Mr T2 disagreed and asked for the case to be decided by an ombudsman.

## 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've given careful consideration to all the submissions made by both parties, but I'll keep my comments to what I think is relevant. If I don't comment on any specific point, it's not because I've not considered it but because I don't think I need to comment on it in order to reach a fair outcome – in keeping with the informal nature of our Service.

Mr T2 says his father is profoundly deaf and that YBS has failed in its duty to make reasonable adjustments under the Equality Act 2010.

It's not the role of our Service to say whether a business has acted unlawfully or not – that is a matter for the Courts. Our role is to decide what's fair and reasonable in all the circumstances of a case. In order to decide that we need to take a number of things into account, including the relevant laws and what we consider to be good industry practice at the time. So, although it would be for the Courts to say whether or not YBS breached the Equality Act 2010, I'm required to take the Equality Act 2010 into account, if it's relevant, amongst other things when deciding what's fair and reasonable in the circumstances of the complaint.

I've listened to the call complained of. It's not in dispute that the call didn't go as expected, but I can't reasonably say that was solely the agent's fault. When Mr T2 said he wanted information about his father's account, the agent asked if he was registered as a PoA with YBS. I don't think that was an unreasonable question given the circumstances. Mr T2 replied to say *"No, I'm not, because I disgust the organisation, so we have a simple authority instead."* The agent asked Mr T to repeat the last part, so it's clear that he didn't hear Mr T2 when he said he had simple authority. Mr T repeated himself, but it appears the agent still didn't hear him when he said he had simple authority, so the agent referred once again to the absence of the POA. The agent replied by trying to explain the process. He got as far as saying: *"So if you don't have power of attorney registered..."* when Mr T2 interrupted to say: *"before you become any more negative, I'd like to make a complaint about the way this conversation has degenerated"*.

YBS has procedures in place that allows for third parties to act on the behalf of its customers. What the agent said wasn't correct, Mr T2 didn't need POA to act on behalf of his father. It could accept the third-party authority. But before the agent had the opportunity to ask more questions, and gain access to the account to establish the third-party authority in place, Mr T2 became aggrieved and asked to log a complaint. At this point, no security information had been taken so the agent wouldn't have accessed the account to see that third party authority was in place. Had Mr T2 allowed the agent to continue, and a further discussion taken place, I have no reason to believe that the third-party authority wouldn't have been established, and the call could continue successfully. I'm not persuaded that the reason this didn't happen was related to any characteristic of Mr T.

Having taken everything into account and having considered the Equality Act, for the reasons I've given I don't think YBS has acted unfairly in this case. So, this isn't a complaint that I uphold.

Although I've listened to the call between Mr T2 and YBS, I'm unable to comment on the service Mr T2 received, that's because he's not an eligible complainant in this case. YBS accepts it could've given Mr T2 a better service and its offered him £75 compensation, again, for the reasons I've given I'm unable to comment on whether that award is fair.

**My final decision**

My final decision is that I don't uphold Mr T's complaint against Yorkshire Building Society.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 12 January 2026.

Arazu Eid  
**Ombudsman**