

complaint

Mrs T complains that Bank of Scotland Plc did not register a Power of Attorney (PoA) on her behalf as agreed.

our initial conclusions

The adjudicator did not recommend that the complaint should be upheld. In her view, Bank of Scotland offered to prepare a PoA for Mrs T when she gave instructions for a new will in 2006. It said registration of the PoA would have required a higher fee to cover the fee charged by the Office of the Public Guardian. Mrs T said she relied on the bank to make sure the PoA could be used if required and by not registering the PoA it could not be used.

Mrs T is still unhappy. She wants Bank of Scotland to apologise and pay compensation.

my final decision

To decide what is fair and reasonable in this complaint, I have considered everything that Mrs T and Bank of Scotland have provided. Where the evidence is incomplete, inconclusive, or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances.

Having done so, I find that I have come to the same conclusions as the adjudicator did, for much the same reasons. I understand a PoA is unusable without being registered but on the basis of the evidence provided I conclude that Bank of Scotland offered to prepare the PoA for Mrs T when she gave instructions for a new will but did not agree to register it.

I do not consider Bank of Scotland made a mistake. So I do not require it to do anything further.

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs T either to accept or reject my decision before 25 February 2014.

Andrew McQueen

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.