

complaint

Mr F complains that Bank of Ireland (UK) Plc (trading as Post Office Money) will not accept a certified copy of a Lasting Power of Attorney.

To settle matters he'd like Post Office Money to accept the document he's provided.

background

Mr F sent a certified copy of a lasting power of attorney (LPA) to Post Office Money to allow him to manage his mother's financial affairs. After he'd sent the LPA Post Office Money wrote to him in late September 2018 to say it wasn't acceptable because it wasn't stamped "validated OPG" along the bottom of each page.

Mr F complained to Post Office Money but it didn't uphold his complaint. He says the final response letter said that the LPA was rejected because it wasn't dated and because the person providing the certification must be capable of being contacted and their contact details should be obtained. He says this contradicts what he was previously told – that it was rejected because it wasn't validated by the OPG. Mr F remained unhappy so he brought his complaint to this service.

Our adjudicator didn't recommend that Mr F's complaint should be upheld. She didn't think he'd been given contradictory information because the final response letter also went on to explain that without the OPG's validation it wouldn't be able to grant authority to Mr F to manage his mother's account. She thought Post Office Money had acted correctly in requiring the certifying solicitor's full name so it could independently verify the solicitor's professional standing.

She thought the information provided by Post Office Money could've been clearer. But she was satisfied that Mr F was aware of what was required for Post Office Money to accept the LPA as its requirements were set out the September 2018 letter, in its final response letter and during Mr F's call to the business in early October.

Mr F disagrees with the adjudicator's view. He says the copy he's already provided should be sufficient. In summary:

- the "validated OPG" mark doesn't appear because it's not come out on the copy;
- he's been given different reasons for the LPA being rejected – and the LPA was dated and he subsequently got the solicitor to include his full name and firm's stamp;
- he's gone to great lengths and expense to manage his mother's affairs and he's obtained copies of the LPA to avoid losing the original. He's unwilling to send Post Office Money the original LPA so he'd like Post Office Money to reimburse his costs of obtaining a certified copy from OPG.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I'm sorry to disappoint Mr F but I will not be upholding this complaint. So I'll explain why.

I must firstly explain that our general approach is to investigate whether a business has made an error and if it has, we consider what has to be done to put things right. Financial businesses are generally free to determine their own policies and as we don't regulate them

it's within our powers to tell Post Office Money to change its procedures for accepting certified copies of LPAs.

I think Post Office Money could have been clearer at the outset about its reasons for rejecting the certified copy LPA Mr F provided. But on balance and based on the information I've seen I'm satisfied Mr F was aware of Post Office Money's requirements as these were explained in its letter to Mr F in late September 2018, in its final response letter and in Mr F's conversation with Post Office Money.

I don't think the final response letter contradicted the earlier information he'd been given. This is because as well as explaining that the LPA hadn't been certified correctly it also explained that the LPA needed to be validated by the OPG before Post Office Money could accept it.

The certified copy I've seen is dated but I can't say Post Office Money acted unfairly in requiring the solicitor's full name and contact details so it could independently validate the solicitor's professional standing.

Post Office Money requires the LPA to be validated by OPG. I can't see that the copy provided by Mr F has the "validated OPG" marking. I accept it's possible that this doesn't show on the copy Mr F provided. But I can't say Post Office Money has acted unfairly in requiring sight of a certified copy that clearly shows it's been validated by the OPG - especially as Post Office Money's requirements are in line with the requirements for registration of LPAs set out the GOV.UK web-site. This says an LPA is registered "when *OPG has stamped it with "validated-OPG"*".

Mr F has now produced confirmation from the OPG that the LPA has been registered with it. So he says that this, along with the other documents he's provided, should be sufficient for Post Office Money to register his LPA. Unfortunately, as I've explained above, I can't require Post Office Money to change its processes for acceptance of LPAs. And I can't say that Post Office Money has treated Mr F unfairly because it's explained the documentation it needs to be able to accept a certified copy LPA.

Post Office Money has also suggested that Mr F could send the original LPA. Mr F doesn't want to do this as he doesn't want to risk loss of the original. I can understand his concern but I'm afraid that's a decision he's taken. So I can't say Post Office Money has acted unfairly by not agreeing to reimburse his costs of obtaining an office copy from OPG.

my final decision

My final decision is that I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 5 May 2019.

Michelle Hayward
ombudsman