

Complaint

Mr B complains about problems registering a Power of Attorney (POA) with Lloyds Bank PLC.

Background

Mr B's sons (Mr B1 and Mr B2) obtained a Lasting POA via the Office of the Public Guardian on 22 September 2016. The POA was granted jointly which means both attorneys have to be involved and agree every decision made on behalf of Mr B.

Mr B1 visited his local branch of Lloyds and provided copies of the POA document. Mr B1 thought he'd been added as part of the POA to his father's accounts but that wasn't the case. We've also been told that Mr B2 visited a local branch with the relevant documents.

A POA application was completed by Lloyds on 21 April 2018 and declined on 25 April 2018. No one notified Mr B1 or Mr B2.

It later came to light that Mr B1 had been added as a third party to one of Mr B's accounts but the POA wasn't fully registered.

A complaint was made and Lloyds responded on 8 November 2018. Lloyds agreed that some of the service provided had been poor and agreed to pay £40 but it said Mr B1 and Mr B2 had to both register the POA in order to operate Mr B's accounts. It also explained that the jointly held nature of the POA and distance between Mr B1 and Mr B2's homes may make providing instructions on their father's behalf difficult.

Mr B's complaint was referred to our service and passed to an investigator. The investigator thought Lloyds had dealt with the complaint fairly and acted in line with its procedures. She said Lloyds' decision to reject the POA application was reasonable.

Mr B1 didn't accept and asked to appeal. Mr B1 said both he and Mr B2 had visited a local branch with the necessary documentation. As Mr B's representatives didn't accept, his complaint has been referred to me to make a decision.

Lloyds has recently confirmed that Mr B1 and Mr B2 were both successfully registered joint POA on their father's account on 27 April 2019.

My findings

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

I'd like to thank all parties for their patience whilst this case has been waiting for a decision. I'm pleased to note that the main issue (the registration of the POA) was resolved on 27 April 2019. That means Mr B1 and Mr B2 can now operate their father's account on his behalf – but they must do so on a joint basis.

I know Lloyds has already explained the limitations of the joint POA Mr B1 and Mr B2 are operating for their father so I won't repeat them at length here. But where the POA is jointly held both attorneys must be involved in all decisions and instructions. That means Lloyds is unlikely to discuss the account or accept instructions over the phone as that would only

involve one party. There is likely to be significant limitations to the services Lloyds normally provides. I've seen Lloyds' contact notes up until the end of 2019 and note this situation has already caused some issues for Mr B1 and Mr B2. But Lloyds has to act in line with the legal instructions contained within the joint POA and I'm satisfied it's done that.

Mr B1 has asked why he was sent a card for his father's account if the POA hadn't been registered. But Lloyds added Mr B1 to Mr B's account as an authorised third party, not because of the POA. That meant he was able to operate his father's account and had access to a card. But that access was limited in nature and only related to one account.

I agree that Mr B1 and Mr B2 have been given unclear and confusing information by Lloyds. And I also agree that Lloyds should have told them when the original POA application wasn't successful. As a service we can award compensation for distress and inconvenience caused by a business to their customer, the consumer. In this case, whilst I can see Mr B1 and Mr B2 have been inconvenienced, they aren't the consumer. They act on his behalf as attorneys. Mr B is the consumer in this case and I need to think about how he's been impacted by Lloyds' actions. But I haven't seen anything to show he's been directly impacted by the problems Mr B1 and Mr B2 have told us about.

I appreciate my decision may seem harsh but as I haven't found that the issues raised in this case have caused Mr B an unreasonable level of distress and inconvenience I'm not telling Lloyds to increase the £40 it paid. I accept that the information Lloyds has given Mr B1 and Mr B2 has been unclear and at times incorrect, but I don't have grounds to tell it to increase the level of compensation on that basis. As I'm satisfied Lloyds has dealt with Mr B's complaint fairly and the POA has now been registered, I'm not telling it to take any further action.

My final decision

My decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B1 and Mr B2 to accept or reject my decision on behalf of Mr B before 24 February 2020.

Marco Manente
ombudsman