

complaint

Miss R complains that the TSB Bank plc failed to register her late mother's power of attorney on her mother's account in good time. She wants at least half of the cost of setting it up.

background

It appears that Miss R's mother had asked for a power of attorney ('POA') to be set up by her daughter. She did so. When Miss R came to having the POA registered against her mother's bank account in January 2016 she felt that the Bank delayed unnecessarily and that it wasn't achieved until February 2016. She complained to the Bank and, having looked into matters, the business apologised for having failed to provide a better level of service and offered £100 in compensation. Miss R wasn't satisfied with that outcome and complained again.

The Bank did a fuller review and discovered that Miss R appeared not to have signed the printed registration form until 8 February 2016. The date on the form was printed, also, making the date of signing clear, too. The Bank duly certified the certificate eight days later. But the Bank noted that Miss R's mother had died months ago – before the spring – and that the account was still being operated with credits and debits until November 2016. It was only in November that Miss R told the Bank that her mother had passed away. The Bank felt that the information that it had been given in the earlier complaint was inaccurate and withdrew its £100 offer. It rejected Miss R's request for half of the cost of the POA, too. Miss R complained to our service.

One of adjudicators looked into the complaint. She found that the information provided by the Bank appeared accurate. She could find no recorded evidence that supported Miss R's account of having gone to the Bank in January 2016, other than Miss R's stating that she did so. She felt that the Bank had done nothing substantially wrong. She contacted the Bank and asked if the £100 offer was still available and the Bank said that it wasn't. She pointed out that the Bank had omitted any comment about its doubts over visits to the Bank by Miss R in January 2016 in its final response letter. The Bank then agreed to reinstate the £100 offer.

Miss R wasn't happy with that outcome and asked for an ombudsman to look into the matter and come to a final decision.

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've seen a long letter from the Bank to our Service detailing the order of events, including contact by Miss R with the business – and what they say was the lack of contact by her, too. I was surprised to learn that the POA was taken out in 2014, a considerable time before Miss R attempted to register it with the Bank. Miss R could have registered the POA at any time in the many months between taking it out and her first contact with the Bank over the issue. Her first contact appears to have been one day before her mother died. Also, it's hard to follow why Miss R didn't inform the Bank that her mother had passed away in the weeks and months that followed, despite several opportunities to do so. And Miss R was continuing to operate the Bank account for many months after her mother's death, too.

I do not find, on balance, that Miss R has any real basis for claiming half of the cost of the POA. It was taken out months before the time when she informed the Bank about it and it's hard to see how the two events could be linked, so far as any cost to her or her mother's estate are concerned.

I am required to be fair to both sides and to consider the whole of the circumstances, not just what Miss R says happened. In doing that I have come to the conclusion that the Bank, in my view, has done nothing substantially wrong, as the adjudicator found. I don't agree that there should be any form of compensation payable, under the circumstances, and won't be making an order that the Bank should do anything.

my final decision

For the reasons I've given above I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R to accept or reject my decision before 26 June 2017.

Jeremy Lindsay
ombudsman