

## **complaint**

Mrs M1 has brought a complaint to our service on behalf of her mother Mrs M2, for whom she has power of attorney. She complains that Santander UK Plc did not make her a joint signatory on her mother's account when they were asked to. And she says her mother is now in debt as a result.

## **background**

In 2014 Mrs M1 and her mother, Mrs M2, asked Santander to add Mrs M1 to Mrs M2's account as a joint signatory. Mrs M1 says they signed forms to that effect, and thought this action had been completed by Santander.

In 2016 Mrs M2's health was declining. Mrs M1 went into a Santander branch to carry out an action in relation to Mrs M2's bank account, but was told that she did not have the authority to do so. She complained to Santander in November 2016. She feels they spent a long time looking into the issue, before they said that they could not find the paperwork she and her mother had completed to add her to the account. Santander paid Mrs M1 £150 compensation to apologise for this.

Mrs M1 says that she spent months trying to resolve the issue with Santander. Santander say they tried unsuccessfully to contact her a number of times during this period because they needed more information. But they then lost a second application that she made to be added to the account. And when she resubmitted it they told her that Mrs M2 would need to sign the application, despite previously saying this wouldn't be necessary.

Mrs M2 wasn't able to do this, so Santander said they weren't able to add Mrs M1 to the account. In May 2017 they suggested she should apply to the court for an order to manage her mother's finances. They offered to pay the £400 registration fee for this. And they paid £250 compensation for the further inconvenience caused to Mrs M1.

In March 2018 Mrs M1 applied for power of attorney over her mother's affairs. She then went back to get this added to her mother's account. She completed the necessary paperwork in branch. Santander contacted her to tell her that a signature was missing, so she went back to provide this. But then two weeks later when she contacted Santander for an update they told her they had misplaced this paperwork. Mrs M1 complained again.

Santander apologised for the delay in registering her power of attorney for Mrs M2. They explained that her documentation had not been received due to a communication error, but that they had now located it and raised an urgent request to complete the registration. This was done on 16 July 2018. They also paid Mrs M1 a further £100 compensation.

Mrs M1 says that Mrs M2 lost a lot of money in the meantime as she was unable to access her account to stop direct debits and standing orders. She's also told us that she had to make purchases from her own account on behalf of Mrs M2. And she's explained that this has caused both her and Mrs M2 a great deal of stress. Mrs M1 thinks Santander should pay compensation for this.

## **my provisional decision**

I sent a copy of my provisional decision to both parties on 8 May 2019. A summary of my provisional findings is as follows;

- I explained that Mrs M1 had brought this complaint in her capacity as attorney for her mother Mrs M2, and that I was only able to consider what compensation it would be fair for Santander to pay Mrs M2.
- I said Santander had acknowledged they'd made mistakes and felt the £500 compensation they'd paid Mrs M1, and their offer to cover £400 costs associated with registering a court order, was sufficient. But Mrs M1 disagreed.
- I noted that so far Mrs M1 hadn't accepted Santander's offer to cover these registration costs. I said I was aware that Mrs M1 had now been able to get a power of attorney registered for her mother, so the costs may be lower than £400. And that Santander had told us that if Mrs M1 does want to accept this offer they will need to see evidence of these expenses from her first.
- I noted that Mrs M2 hadn't received any compensation from Santander. I said I felt she'd been upset and inconvenienced by these events too, as she'd clearly anticipated Mrs M1 would be in a position to help her with her financial affairs from 2014. I explained I felt Santander were partly responsible for the delay in this arrangement being put in place, so I thought it would be fair for them to also pay Mrs M2 £500 compensation.
- I appreciated that Mrs M1 was looking for a larger award of compensation for Mrs M2 because she felt she'd lost money when Mrs M1 hadn't been able to cancel direct debts and standing orders on her behalf. But whilst I sympathised, I didn't feel I was able to fairly ask Santander to reimburse Mrs M2 for these payments as I couldn't conclude with any certainty Mrs M2 wasn't receiving a benefit from them. For example a number of the direct debits were for insurance policies. And I also hadn't seen any evidence Mrs M1 had approached the companies concerned to see if she could obtain refunds directly.
- I also said it would be difficult for me to say to what extent the delay in Mrs M1 being able to cancel these payments was due to the actions of Santander. Whilst I could see Mrs M1 had done all she could to help her mother, and I appreciated this had been a very difficult time for her, there was a delay between the inability of Santander to add her as a joint signatory becoming apparent in May 2017, and March 2018 when she applied for power of attorney. And I didn't think it would be fair for me to say that Santander should take responsibility for this delay.

## **responses to my provisional decision and my further findings**

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

Santander responded to my provisional decision and said that they accepted it. Mrs M1 responded and said she felt she had no choice but to accept my provisional decision. But she felt that I'd overlooked the fact her mother had accrued a debt whilst she wasn't able to access her account to make payments for residential care. She explained the compensation she's been awarded by Santander previously has all gone towards paying this off.

I'd like to assure Mrs M1 that I don't underestimate the difficulties she and her mother have faced over the last few years. And I'm sorry to hear her mother fell into debt, I appreciate this must have been very distressing.

I've explained that I would need some more information about the debt to be able to consider this point further. But Mrs M1 has let us know she has a debt repayment plan in place now, and she's keen to draw a line under this complaint.

As I haven't been provided with any new evidence, my final decision is the same as my provisional decision. I think it would be fair and reasonable for Santander to pay Mrs M2 £500 compensation. And I would advise Mrs M1 to contact Santander if she's changed her mind about accepting their offer of registration costs – or to let our adjudicator know.

### **my final decision**

My final decision is that I uphold this complaint against Santander UK Plc. To put things right I require them to pay £500 compensation to Mrs M2 for the poor service provided and the subsequent upset and inconvenience their actions caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M1, on behalf of Mrs M2, to accept or reject my decision before 28 July 2019.

Jenette Lynch  
**ombudsman**