

Mr L, Mrs W and Mrs P hold power of attorney for Mrs L. Mr L, Mrs W and Mrs P bring this complaint on behalf of Mrs L in relation to the accounts she holds with the Barclays Bank UK PLC. The complaint largely concerns issues experienced by Mr L in dealing with these accounts and the subsequent effect on Mrs L. So, while all three attorneys have agreed to the complaint being brought, I will mostly refer to Mr L as Mrs L's representative.

complaint

Mr L complains that Barclays Bank UK PLC caused delays dealing with an application to be registered as having power of attorney on Mrs L's accounts and that it lost personal information in the process.

background

Mr L had a meeting in branch in February 2018 to register a power of attorney (POA) with Barclays and so have designated authority to act on Mrs L's account. Identification documents and forms were provided to allow the POA to be registered and Barclays took copies of these to be sent internally for processing. These documents included personal information belonging to both Mr L and Mrs L.

Shortly afterwards the two further attorneys, Mrs P and Mrs W, got in touch with Barclays to also register their authority on Mrs L's account. During their application it came to light Mr L's application had not been processed. Mrs P and Mrs W let Mr L know what they'd been told.

Mr L contacted the branch to find out what had happened. It explained that some of the documents he'd provided, that were sent internally for processing, had been misplaced.

Mr L complained to Barclays that it had lost sensitive personal information and couldn't give any reassurance about what had happened. He also complained about the level of service he'd received from the branch which had made an already difficult time, as the reason for registering the POA was that Mrs L was dealing with a serious illness, more distressing.

On 25 April 2018 Barclays wrote to Mrs L to say her POA had been registered and that Mr L could carry out transactions for her.

In response to the complaint, Barclays agreed that Mr L had received poor customer service and apologised for this. It said that copy information relating to POA applications is sent internally to be processed by the correct department. When opened, documents can sometimes get separated. Barclays says if this happens, and the separated documents can't then be matched to the relevant enquiry, they will be securely destroyed. While it couldn't be certain this was what had happened here, it was confident that this process would've been followed so the misplaced documents had likely been destroyed. It offered Mr L £150 for the distress caused. It also confirmed that, as the application documents had been misplaced, he'd need to complete an additional form for the POA registration to be completed.

Mr L says he has completed this additional form on several different occasions, including once in June 2018, and returned it to Barclays. He says he has been able to carry out transactions on the account and when he has made enquiries, branch staff have confirmed the registration has been done.

In terms of the complaint Mr L remained unhappy with what'd happened and didn't feel Barclays' offer reflected the trouble that had been caused. He also felt that Barclays had not investigated the complaint properly. So he asked us to look into it.

An investigator looked into the complaint. He agreed Barclays had provided poor service and had lost personal information, which was understandably a point of concern. He explained that as Mrs L is the account holder, he needed to think about the impact on her. Having done so he thought Barclays should pay Mrs L £400 for the upset caused by the delays in registering Mr L as an attorney, the poor customer service and for losing personal information. He said that this was in addition to the £150 Barclays had offered to pay Mr L.

Barclays agreed with the investigator's opinion. It also said that the required form to complete the registration of Mr L as an attorney, particularly the relevant signature page, had still not been received. And that this could lead to the registration being cancelled in the future.

The investigator explained this to Mr L. He did not agree with their opinion as he didn't think the recommendation accurately reflected the distress caused. And he provided additional information to support that he thought the registration had been completed.

As Mr L didn't agree with the investigator's opinion the complaint has come to me to decide.

my findings

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

The account with Barclays is held by Mrs L. So she is the person eligible to bring the complaint to our service. So while Mr L is representing Mrs L as her attorney, it is the impact on Mrs L of what has happened that I've considered.

It isn't in dispute that some of the documents Mr L provided to Barclays in February 2018 did not reach the intended team for processing, so seem to have been lost while in Barclays' possession. Mr L has understandably said he and Mrs L have concerns over what happened to the documents that were lost.

Barclays has said it has a procedure to deal with instances where documents are lost or separated internally. Where this happens and they are passed to the wrong team or department and not reconciled to the activity taking place – in this case processing the POA – they will be securely destroyed. But it has explained it doesn't keep records of what it destroys.

I know Mr L is unhappy with the explanation Barclays has given and would like certainty over what happened to the documents. But that isn't something our service is able to provide. Barclays has confirmed records are unavailable. So, we can't know for sure what happened. Where there is incomplete information, as is the case here, we look at what we think is most likely to have happened on the balance of probabilities and whether the business has acted reasonably.

Barclays accepts that the documents did not reach the team responsible for processing the POA application. On balance I think it's likely that Barclays followed its internal procedure as it has explained and that these documents were destroyed. I say this as there appear to be no direct consequences as a result of the missing documents and I've not seen anything to suggest differently. I know Mr L is unhappy with this process and explanation and doesn't think it is acceptable. But I don't think there is anything further that Barclays can provide to explain with certainty what has happened. It may also help if I explain at this point we are not a regulator and it isn't our role to tell a business what procedures it must have in place.

Turning to the current position with the account, there is still a disagreement between Mr L and Barclays over whether the POA has now been registered.

As I mentioned Mrs L received a letter in April 2018 saying the POA had been set up and Mr L could transact on her behalf. Mr L has also said branch staff have confirmed the POA is in place and he says he has been able to carry out transactions on the account.

Barclays says that the POA itself was set up when Mrs P and Mrs W registered their authority. As the documents they provided confirmed Mr L was also an appointed attorney, he was provisionally registered. But it says it has not received the section of the form that he was required to sign, so doesn't have his signature on its records – something it confirmed to him over the phone in May 2018. It has explained that when Mr L goes into branch, the information available to branch staff will show the POA itself as active and that he is one of the named attorneys. But it won't show the provisional status of his registration or that the signature was still required.

Mr L says he has provided the signed form on a number of occasions, including in branch. And I have no reason to doubt that he has tried to complete this process. But Barclays says it doesn't have any record of this having been received.

I can understand Mr L's frustration given how long this has been ongoing and the confusion based on the contrasting information he was given in branch and because he has been able to make transactions on the account. But Barclays has confirmed it still has no record of having received the signed section of the form. And it has explained that this could cause issues moving forward including his authority being withdrawn, which may in turn have an impact on the effective running of Mrs L's account.

I know Mr L feels strongly about this but if Barclays does not have a record of the complete information it needs then it seems this is still required. And the most appropriate way to resolve this issue would be for the relevant authority to be provided again. Given that, on balance, I think it's likely Mr L has attempted to complete this information previously but has been unsuccessful, I think it'd be appropriate for Barclays to make arrangements with Mr L for this to be completed and to make this as simple and easy as possible for Mr L. This could be either providing Mr L with the relevant form and paying for them to be returned via recorded delivery or arranging a meeting in branch, with an adviser that has been given the background to the situation and is aware of what needs to be completed and how. But I think Barclays needs to liaise with Mr L and make arrangements that are convenient for him.

If however Mr L declines to provide this information, then I think Barclays would be entitled to follow its internal processes for where incomplete information has been received.

Overall there appears to be no dispute that there were errors made by Barclays when dealing with the application to register the POA and add Mr L as an attorney to Mrs L's account. So what is left for me to decide is what the fair way to address these errors is.

Given what Mr L has explained about why the POA was registered, I don't doubt that this was already a difficult time for he and Mrs L. And the stress of not knowing what had happened to the personal information provided to Barclays, and the ongoing uncertainty over the registration of Mr L as an attorney, probably only added further upset. I also understand that this would've been frustrating for Mr L, as the other attorneys hadn't had any issues when they registered on the account. But again, it's the impact on Mrs L that I'm considering.

I know Mr L feels that the recommendation of the investigator – that Barclays pay Mrs L £400 for the distress caused, in addition to the £150 offered to him – doesn't go far enough. But unfortunately, it's not possible to now go back and change what's already happened or possible to provide Mr L and Mrs L with the reassurances they've sought about what's happened to their information. The role of our service is to consider individual disputes informally and explain what we think is the fair and reasonable way to resolve them. We do not fine or punish businesses for errors made.

And having taken everything into account, while I know Mr L feels strongly about this, I think the recommendation made by our investigator, which Barclays has agreed to, is fair and reasonable in the circumstances.

my final decision

My final decision is I uphold Mrs L's complaint. To put things right Barclays Bank Plc should;

- Pay Mrs L £400 for the upset and inconvenience caused by the poor customer service provided. This is in addition to the £150 it has offered to pay Mr L separately. And if it has not already done so, Barclays should also pay Mr L the £150.
- Contact Mr L and make arrangements for the missing information to be completed and returned so that the registration of his authority as an attorney on Mrs L's account can be fully completed.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs L to accept or reject my decision before 16 January 2020.

Ben Stoker
ombudsman