

summary of complaint

Ms C complains about Lloyds TSB Bank Plc's handling of the administration of her late mother's affairs, specifically in relation to a Lasting Power of Attorney (LPA) which they wrongly refused to accept. Ms C is dissatisfied with the £1,000 she has been offered by Lloyds TSB as compensation.

background

Our adjudicator has already advised Ms C that they consider the offer of £1,000 by Lloyds TSB as fair and reasonable in the circumstances of this case. Ms C has not accepted this finding and therefore the matter has been referred to me.

Ms C explains that Lloyds TSB's refusal to accept the LPA resulted in her being unable to access her late mother's accounts. Ms C was therefore prevented from gaining access to the funds which she required to pay the necessary deposit for her late mother's funeral. As a result of these actions, Ms C had to arrange a more modest funeral utilising funds from a credit card.

Lloyds TSB has explained that whilst there was an administrative error in processing Ms C's LPA, the validity of this document would have lapsed upon the passing of Ms C's mother, along with any other third party access. From the evidence presented, Lloyds TSB appears to have a procedure in place which would have enabled Ms C to request the necessary funeral funds from her late mother's accounts when she required them for the funeral deposit.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. I should start by expressing my empathy towards Ms C for any upset which she has been caused by the actions of Lloyds TSB. However my role is not to award punitive damages against Lloyds TSB, who has already acknowledged their poor handling of this matter. My role is merely to determine whether the compensation offered is fair and reasonable in all the circumstances.

Lloyds TSB has advised that they refused to register Ms C's LPA based on incorrect information relied upon from the Ministry of Justice website. I have no reason to doubt that any information was relied upon in good faith. I note that once challenged Lloyds TSB acted reasonably in the circumstances.

I am satisfied that Lloyds TSB had a formal procedure in place which would have enabled Ms C to gain access to her late mother's accounts to cover the costs of her funeral. However, I do not believe this procedure was appropriately explained to Ms C. Lloyds TSB has advised that unless an individual expressly enquires about this process, they would not automatically be informed of this. Given Ms C's emotional upset during this time I am unsurprised she did not know to enquire about this process.

When considering redress and in particular compensation for distress and inconvenience, I must fully consider all the circumstances of the case, including the degree of inconvenience caused and the period over which the problem occurred. However, I must also consider the actions of Lloyds TSB in their handling of the incident and their speed in attempting to resolve the incident and offer any compensation. I am satisfied that the actions of

Lloyds TSB had a significant impact on Ms C, and were particularly distressing given the grief she was experiencing from the loss of her mother. I believe the degree of inconvenience experienced by Ms C was material.

Taking all the evidence into account I reach the same conclusions as the adjudicator. I believe the compensation offered by Lloyds TSB is appropriate redress and fair and reasonable in all the circumstances.

my final decision

My final decision is that the offer of Lloyds TSB Bank Plc is fair and reasonable. I simply leave it to Ms C to decide whether she wishes to accept Lloyds TSB's offer to compensate her £1,000.

Robyn McNamee
ombudsman