

## **complaint**

Mrs B complains about the way Santander UK Plc dealt with the registration of a Power of Attorney.

## **background**

Mrs B appointed her daughter as her attorney under a Power of Attorney. She wanted her daughter to be able to look after her finances if, in the future, she became unable to carry on doing so herself. As Mrs B has an account with Santander, she and her daughter made an appointment to register the Power of Attorney with them.

Mrs B says that the advisor they saw wasn't knowledgeable about Powers of Attorney or the form they needed to complete. Some weeks later, Santander sent Mrs B's bank statement to her daughter. Her daughter opened it, believing it to be a letter about her own Santander account. As a result, she has seen Mrs B's bank balance. Mrs B is very upset and angry about this and says it has caused a rift between her and her daughter. Although Mrs B had appointed her daughter under a Power of Attorney, she didn't want it to take effect unless and until she couldn't deal with her finances herself.

Mrs B contacted Santander and they explained that it's not possible to defer the arrangement - once it has been set up, it starts immediately. Mrs B says they didn't tell her this at the appointment and that she'd made it clear it was being set up in case it was needed in the future. Mrs B also says that Santander didn't ask her where she wanted statements to be sent. When Mrs B complained, Santander upheld her complaint and apologised that their process hadn't been explained at the time. They paid Mrs B compensation of £100 for the distress and inconvenience the situation had caused. And they've now removed Mrs B's daughter from the account.

But Mrs B wasn't happy with Santander's response so she brought her complaint to this service. She didn't think the compensation was enough because she and her daughter are still upset. Our investigator thought that Santander had dealt with the complaint fairly and didn't ask them to do any more.

But Mrs B says that Santander let her down badly by not explaining how they would deal with the Power of Attorney. Even though they have now removed her daughter from the account, she says the damage has already been done and that her relationship with her daughter isn't the same. Because Mrs B didn't agree with our investigator's view, the complaint has been passed to an ombudsman for a 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.

Santander accept that they didn't explain to Mrs B that the Power of Attorney arrangement would take effect straight away. Mrs B says they also didn't ask where she wanted her statements to be sent once they had registered the arrangement. Santander haven't commented on that specifically. But Mrs B clearly feels very strongly that the information in her bank statements is private and she didn't want her daughter to be party to it. So, if the question had been asked at the appointment, I'm satisfied that Mrs B would have asked Santander to keep sending statements to her and not to send them to her daughter.

But Santander sent Mrs B's statement to her daughter. As a result, her daughter has become aware of Mrs B's bank balance and this has caused problems between them. Mrs B is also unhappy with the service she received at the appointment to register the Power of Attorney. She says the advisor wasn't knowledgeable and that, now she knows that the documentation will need to be completed again if and when the Power of Attorney needs to be used, she realises the appointment was a waste of time.

Santander have apologised and paid compensation of £100. But Mrs B says that doesn't reflect the upset which has been caused. So I need to consider the appropriate level of compensation here. It's very difficult to put a monetary value on the stress and upset caused by a situation like this. Our awards aren't intended to punish a business but to reflect the impact a situation's had on a customer and put that right, so far as possible.

Mrs B has explained how the situation's affected her. Even though Santander have apologised and removed her daughter from the account, she says the damage has already been done and that the relationship with her daughter is unlikely to be the same again. This is extremely upsetting for Mrs B and means that the effects of what happened are ongoing.

But I have to be impartial, so I've considered what Mrs B has said in the context of the situation as a whole. It's unfortunate that the process wasn't fully explained to Mrs B at the appointment. But I don't think it was foreseeable that the consequences of the Power of Attorney taking effect straight away would be so significant or distressing for Mrs B and her daughter. So I don't think Santander are responsible for all the upset which has been caused here. I realise this will be disappointing for Mrs B but, taking everything into account, I think the amount of compensation already paid by Santander is fair. So I'm not going to ask them to do any more here.

### **my final decision**

For the reasons above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 15 December 2019.

Katy Kidd  
**ombudsman**