

complaint

Mrs M complains about the policies and practices of Nationwide Building Society in relation to powers of attorney.

background

Mrs M is represented in this complaint by her son Mr M. Mr M has a lasting power of attorney (LPA) for his mother. He applied to register the LPA with Nationwide. But he was forced to select whether his mother had 'mental capacity' during the process. Mr M objected to the limited choice. But he was told he couldn't proceed without making a selection.

Mr M says he was given misleading information about registering access to his mother's online accounts. And he found Nationwide's process for determining mental capacity very unsatisfactory. So he wants Nationwide to address his complaint properly. And he wants it to improve its treatment of people with a power of attorney. Mr M would also like an apology and compensation for his time.

Nationwide said a power of attorney was registered on Mr M's profile in March 2019. When it was registered it'd been answered that Mrs M was mentally capable. Nationwide considered this to mean the person understood how to manage their account. And it didn't have a separate power of attorney policy for online banking.

Mr M wasn't satisfied with Nationwide's response. So he contacted our service and our investigator looked into the matter. She explained her role would be to determine if Nationwide had acted unfairly in handling the registration of Mr M's power of attorney. She could see Mr M was unhappy with Nationwide's procedures. But there were limits to what our service could look into. She wasn't able to tell Nationwide how to operate its business or determine its policies or procedures. She could only look at whether it'd applied its processes correctly. And she couldn't say it'd done anything wrong.

Mr M didn't agree. He'd been misled by Nationwide's staff about the online account. And he felt Nationwide had only responded to the parts of his complaint which were easy to answer. So he's asked for an ombudsman's 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. Mr M has my sympathy. He is caring for a relative. And he feels Nationwide's processes have been what he calls a waste of brains, money and time which could've been put to better use.

I know Mr M feels Nationwide didn't deal with everything he complained about. And he's raised a number of points which I've considered as part of my decision. I've looked carefully at everything he and Nationwide have said to see if Nationwide has done anything wrong. And if so what it needs to do to put things right.

I do appreciate how upsetting this must've been for Mr M. He was trying to look after his mother's financial affairs. Mr M says he was told by Nationwide he could only access his mother's online banking if she had mental incapacity. And a medical expert would be best placed to determine if that was the case. As Mr M points out mental health can be a nuanced issue that can't always be handled by a standard procedure.

Mr M is also unhappy the process wasn't explained fully when he spoke to members of staff at Nationwide's branch. I can see Mr M also spoke to the Office of Public Guardian (OPG) as he felt Nationwide's procedures could be improved. And he suggested Nationwide speak to the OPG for guidance.

But it's not the role of this service to tell Nationwide how to run its business. That's the role of its regulator, the Financial Conduct Authority. Our role is to see if Nationwide has made any mistakes. And if so what it needs to do to put things right.

From what I've seen I think Nationwide followed its procedures properly when it registered the power of attorney using the information provided by Mr M. It had to act on the data provided. I appreciate Mr M feels the questions made it difficult to properly explain the situation and provide appropriate responses. And he feels Nationwide could improve the procedure. But as I've explained I can't tell Nationwide what to do. I can only look if it has made any mistakes.

Mr M has clearly put a lot of time and effort into looking after his mother's affairs. And I understand the stress caused when dealing with such matters. I know he feels he Nationwide's staff are poorly trained. And he says he wasn't given all of the information he needed which resulted in additional time and effort. But I've not seen anything to suggest Nationwide misled Mr M. And I think it responded to his complaint fairly even if Mr M doesn't feel it addressed every issue he raised.

I understand Mr M can now access his mother's online banking. And its clear Mr M approaches his duty as attorney for his mother's financial affairs with the necessary diligence and care.

Although I can't tell Nationwide how to run its business I hope it takes note of the outcome of the complaints it receives to see if it can improve things. But based on what I've seen I can't really say Nationwide has done anything wrong. And I won't be asking it to do anything more.

my final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 9 November 2019.

Andrew Mason
ombudsman