

complaint

Miss C complains that Ms D was not allowed to operate her account at Barclays Bank PLC even though Ms D had been made an “appointee” by the Department of Work and Pensions (“DWP”). Ms D brings the complaint on Miss C’s behalf.

background

Miss C does not have the capacity to manage her own finances and Ms D was made an appointee. This gave her the right to manage benefits received by Miss C. But, Barclays does not allow an appointee to manage a bank account which has a balance of over £5,000 as was the case for Miss C. Instead it required Ms D to apply to the Court of Protection to be a “deputy” and froze Miss C’s account. Ms D obtained the court order and remains unhappy that she is still required to go through an application process with Barclays to have access to Miss C’s account.

The adjudicator did not recommend that the complaint should be upheld. She said that:

- As an appointee, Ms D did not have the authority to deal with all Miss C’s financial matters.
- Barclays has a clear policy for appointees and it was able to set this within its own commercial discretion.
- Although it froze the account to prevent transactions by Ms D, it continued to make a payment for Miss C’s residential care.
- Ms D was made aware of the requirement to become a deputy and made the necessary application to Court.
- It was not unreasonable for Barclays to want to undertake checks when Ms D gave it the court order and in particular to verify her identity.

Ms D did not agree, and through her own representative said that there was no basis in law for the £5,000 limit and that this had caused Miss C financial hardship. She said it was unfair that she had to go through the costly process of becoming a deputy and that the court order had been breached by the requirement from Barclays that she now complete a further form.

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 can see that Barclays has referred to guidance issued by the British Bankers’ Association (“BBA”) in a publication on its website called *“People who lack capacity to make decisions”*. Barclays says that through the BBA, all banks have an agreement with DWP to open appointee accounts to manage benefits for people who lack capacity. The publication says that some banks have a limit on the amount that can be in an account managed by an appointee. It also says that where a deputy is put in place, a bank may need registration forms to be completed.

Miss C’s account was managed by a previous appointee before Ms D took it over. I can see that the previous appointee had already been notified that the account was over the £5,000 limit that Barclays set and that before Ms D received the necessary paperwork from DWP, the account was put on hold.

Barclays told Ms D of the need for her to become a deputy. Whilst I can understand her frustration at the time and cost this involved, I am not persuaded that this was an unreasonable request. This does not appear to be out of line with industry practice. I have not been provided with any strong evidence that this was an unlawful requirement but this is an argument that remains open for Ms D to pursue in court, subject to any relevant court time limits, if she does not accept my decision.

Barclays continued to make existing payments on behalf of Miss C, which I cannot see were anything other than essential. I know that Ms D will be very disappointed when I say that I do not consider that Barclays has acted unfairly.

my final decision

In light of the above my final decision is that I do not uphold this complaint.

Michael Crewe
ombudsman