

complaint

Mrs T, who is represented by one of the attorneys she has appointed to act on her behalf, complains that HSBC Bank Plc (HSBC) has frozen her account.

background

Mrs T signed an enduring power of attorney appointing two of her daughters to act jointly and severally on her behalf. The power of attorney was subsequently registered with the Court of Protection. HSBC cancelled Mrs T's debit card and cheque book when it was notified of the registration. The two attorneys have since become involved in a dispute about expenditure and, as a result, HSBC has blocked the account having made certain allowances.

Mrs T, through one of her attorneys, complained to HSBC about its actions and has since complained to us.

Our adjudicator did not recommend that this complaint be upheld as he considered the approach HSBC had taken to be reasonable. Mrs T, through one of her attorneys, disagreed. An ombudsman was, therefore, asked to review this complaint.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

It is clear that the two attorneys Mrs T appointed to act on her behalf are in dispute and having difficulties agreeing what should be done with Mrs T's account. Although they were appointed to give instructions jointly and severally, I agree with our adjudicator that once HSBC became aware of the extent of the dispute between the attorneys, it was put in an impossible position. Its only option was to freeze the account, and only act upon an instruction that both attorneys agreed upon or act in what it considered to be Mrs T's best interest given that she remains HSBC's customer.

I have read the file very carefully, and based on what I have seen it is clear the dispute between the attorneys has the potential to do damage to Mrs T. I am, however, satisfied that HSBC has done everything it reasonably can in what is clearly an extremely difficult situation. I understand that the Court of Protection has been asked to become involved and believe that is where this matter would be best resolved.

my final decision

My final decision is that I am not upholding this complaint.

Nicolas Atkinson
ombudsman