

## **The complaint**

Mr P complains, on behalf of his father, that Bank of Scotland plc (BoS) caused difficulties when he tried to manage his father's bank account. He doesn't think he's been adequately compensated for the administrative errors by the bank.

## **What happened**

Mr P has Power of Attorney (PoA) for his father, and this was expedited in October 2022. He attempted to register this with BoS and made the bank aware of his father's dementia in order to restrict cash withdrawals, but described the bank's administration as disorderly.

After the PoA was registered with BoS at the second attempt, Mr P took his father to the bank on 8 November 2022 and saw him make a cash withdrawal and noticed another of £1,000 from 20 October. Mr P said his father told him he could do this without his bank card or ID, but by bringing sweets for the branch staff. Mr P was angry that his father was able to withdraw cash again and said when questioned BoS's manager 'got shouty and defensive'.

Mr P requested that his father's account be locked down, but BoS refused and said that Mr P would need to get guardianship for this. Mr P said this is incorrect because he already had PoA before his father lost mental capacity. He checked this with a solicitor and also asked the manager to double check this, and said that she got angry. Mr P complained to BoS.

In its response BoS upheld the complaint and reimbursed Mr P's father £500 for the latest cash withdrawal and offered Mr P £160 compensation. Mr P refused because he'd made an extra trip to sort out the bank's mistakes in registering the PoA. He wants to be reimbursed for this trip and many phone calls and is frustrated by BoS's poor organisation and said its branch manager has breached proper conduct. Mr P referred his complaint to our service.

Our investigator didn't recommend that the complaint be upheld. She said BoS caused Mr P inconvenience, but as a third party to the complaint we wouldn't tell it to pay compensation. She said BoS's terms require customers to prove their ID to make a large cash withdrawal, but she wouldn't expect to see a record of what Mr P's father provided in support of this at the branch. She said registering the PoA didn't require BoS to block Mr P's father's access to cash, and there was nothing to show it allowed a cash withdrawal only on sight.

The investigator said records of Mr P's call to BoS on 9 November 2022 show that its agent declined a restriction as Mr P didn't have guardianship, but this was incorrect. Mr P had PoA, and this was enough to block the account, and should have prevented his father from taking out £500 in branch, but BoS had resolved this by returning £500 to Mr P's father's account. Mr P disagreed and requested an ombudsman review his complaint. He said BoS should show how his father had accessed cash, given his confused mental state and dishevelled appearance. He said the recordings of his two calls demonstrate that the branch manager hadn't a clue about his authority as PoA. He said his second trip to register the PoA was necessitated by BoS entering the wrong address. He described BoS as providing appalling customer service and the losses stemmed from this.

## **What I've decided – and why**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

BoS has acknowledged that it provided Mr P with poor service when he tried to register his PoA, as required with its branch. Mr P has authority to handle his father's accounts on his behalf under his PoA, but he is representing his father in this complaint, and as a third party we don't have the authority to award compensation to him for any inconvenience or distress he has suffered. And so I haven't made any finding regarding the compensation offered by BoS to Mr P in respect of the poor service he received.

Mr P was concerned about his father's access to his account given his dementia. He obtained PoA and called BoS on 13 October 2022 to register it, and said that he wanted his father to have reduced access to his account, but didn't state his father's medical condition. Mr P said he was provided with misleading information when trying to place a block on his father's ability to spend on the account.

BoS has acknowledged that it provided Mr P with inaccurate information about the effect of his PoA and the need for Guardianship. I'm pleased BoS has apologised as this would have frustrated Mr P in his attempt to protect his father.

BoS reimbursed Mr P's father for the £500 cash withdrawal made after it registered the PoA and knew about Mr P's father's medical condition. Mr P doesn't think this resolves other similar transactions that shouldn't have been allowed and thinks BoS authorised them without his father having to provide ID or a pin number. Mr P described BoS's lack of branch records about his father's cash withdrawals as a 'cop out' to cover up its incompetence and lack of duty of care to a vulnerable adult. He thinks that BoS allowed his father to make withdrawals on the production of nothing more than bags of sweets.

The BoS branch manager said that Mr P's father didn't show any signs of having dementia and they weren't made aware of this until Mr P called after his father withdrew £1,000 on 8 November. I can see the call ended acrimoniously at this point but BoS then updated its records about Mr P's father's vulnerabilities. The manager said his staff have served Mr P's father for many years and on occasions he brought sweets for the staff, but the proper procedures were followed.

Mr P says BoS should have noticed his father's appearance and mental condition and restricted his access to cash notwithstanding its lack of restriction on the account. However, because BoS didn't have concerns about Mr P's father at the time he was still allowed to withdraw cash and I think this was reasonable given BoS's impressions of Mr P's father and the information available to the bank at the time.

I've looked at BoS's records and can see that Mr P's father made large cash withdrawals of £1,000 by debit card in the branch in August 2022, of £500 at a cashpoint in September, and £1,000 by debit card in branch in October 2022. It appears that Mr P was present when his father made a counter withdrawal of £1,000 in branch on 8 November 2022 and followed this the next day with his call requesting the account to be blocked. BoS failed to follow his instructions by allowing his father a counter withdrawal of £500 on 14 November 2022 after a conversation with the branch manager who reduced Mr P's father's request for £1,000. I'm pleased that BoS has refunded this to the account.

We cannot be certain what Mr P's father provided by way of verification for his counter withdrawals, though clearly conversations with BoS staff took place. Most of the large transactions were by debit card and cashpoint and would have required his PIN number.

Branches do not, in my experience, keep records of the ID provided for individual cash withdrawals over the counter, though BoS has clear procedures for this.

I can see that Mr P is suspicious about what took place in branch, but we have to decide on the available evidence. It would seem unlikely that BoS's staff would ignore the requirements to allow cash withdrawals without the required verification. Mr P hasn't provided any evidence that BoS has acted in breach of its procedures with regard to verification in respect of his father's cash withdrawals. As a consequence I cannot require BoS to reimburse his father's other withdrawals, particularly as they took place before it was aware of his father's medical condition. I realise Mr P will be disappointed with this decision, but I hope he understands the reasons I have reached it.

Mr P has indicated that he has had further problems with BoS since he brought his complaint to them. It is open to Mr P to bring a further complaint to BoS on his father's behalf about this if he wishes, and subsequently to our service.

### **My final decision**

For the reasons I have given it is my final decision that the complaint is not upheld.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 22 December 2023.

Andrew Fraser  
**Ombudsman**