

The complaint

Mr H complains that Santander didn't provide the service it should have when it was requested that Miss B be registered as the Court Appointed Deputy for him.

Mr H is represented by Miss B. As Miss B is a professional Power of Attorney much of the correspondence has been submitted by her employer, but for ease of reference I have referred to Miss B throughout this decision in regard to the submissions made to register Miss B as the Deputy for Mr H.

What happened

Miss B says that she wrote to Santander on 12 July 2022 to say she had been appointed by the Court of Protection as Mr H's Property and Finance Deputy. She enclosed copies of the Deputyship Order and the Power of Attorney (PoA) registration form along with other identification documents. As no response was received a further letter was sent on 30 September 2022 and a complaint raised. There was then further correspondence between Miss B and Santander where Miss B says she was asked to provide certain documents which she says weren't needed given the nature of her role. Miss B said that she had provided the information Santander needed and that Mr H was a vulnerable customer and Santander's delays meant he couldn't access his money and he had no funds elsewhere. Miss B says she sent several emails to Santander's complaints team that weren't responded to.

Miss B says that the PoA should be registered so that Mr H's assets can be accessed and that his estate should be compensated with the additional costs that had been incurred on his behalf through this process.

Santander issued a final response dated 26 October 2022. It said that it didn't receive the letter sent in July 2022 and that having reviewed the documents that had been provided it still needed identification documents from Miss B for proof of address. In further correspondence Santander said that once it was established that Miss B was applying for the Deputyship in a sole professional capacity it was identified that a different set of Power of Attorney forms needed to be completed. It said that part of its customer due diligence required it to have evidence of the Attorney's home address.

Our investigator didn't uphold this complaint. She didn't think that Santander had made a mistake or acted unreasonably.

Miss B didn't agree with our investigator's view reiterating the concerns that she had previously made in regard to the service provided by Santander.

My provisional conclusions

I issued a provisional decision on this complaint. My conclusions are set out below.

I can see that the process of registering Miss B with the Power of Attorney for Mr H's accounts has taken a long time and I am pleased that this process has now been completed.

Given the registration has been completed this resolves a key part of the complaint. However, given the time this took, and the correspondence involved, I have considered whether Santander provided the service it should have done through this process.

The complainant in this case is Mr H, I can only consider compensation for any distress and inconvenience he has suffered, and not any inconvenience that may have been suffered by Miss B. Given the circumstances of this complaint I do not find that Mr H has suffered the distress and inconvenience through this process, but I have considered whether the actions of Santander meant that Mr H incurred additional costs through the registration process.

Miss B wrote to Santander on 12 July to say that she had been appointed as the Deputy for Mr H's property and affairs. She enclosed a completed copy of Santander's PoA form, the Court of Protection Order and personal identification being a certified copy of her passport and marriage certificate. Unfortunately, this letter and the enclosed documents weren't received by Santander and so no response was provided. While I accept that Miss B sent the letter, I cannot say why this wasn't received or processed by Santander. So, while not receiving this caused the initial delay without evidence to show this was Santander's mistake, I do not find I can say it is required to do anything further in regard to this specific issue.

Miss B followed up with Santander on 30 September and raised a complaint at this time. In the letter dated 26 October 2022 Santander said it needed proof of Miss B's personal address. While I appreciate that Miss B may not have thought she needed to provide proof of her personal address, bank's will have their own requirements in regard to the process it needs to undertake when registering a Power of Attorney. As it was explained that proof of Miss B's personal address was needed and what proof would be accepted, I find that it was reasonable that this should have been provided.

Miss B was also asked to complete a PoA registration form after this had already been submitted. I appreciate the comment about this, but Santander has confirmed that once it was established that Miss B was applying for the Deputyship in a sole professional capacity a different set of PoA forms needed to be completed. No evidence has been provided to show that the original PoA forms were sent to Miss B for completion so I cannot say that Santander provided incorrect forms at the outset.

However, having looked through the correspondence provided by Santander I do not find that this was always clear in regard to what was being requested and certain requests weren't relevant. I specifically note the letter dated 18 November which confirms no further identification is required for Miss B when it was still needing to receive proof of her address. I note the comment that Santander has made about it needing to complete additional regulatory checks alongside the application, but I think this letter wasn't clear. I also note that in the early correspondence Santander requested copies to evidence the Trust Corporation Status which wasn't applicable in this case.

Miss B has said that she provided a copy of her driving licence in branch at Santander in March 2023. This was followed up with a letter in April 2023 and a further letter in May 2023 which included a certified copy of the driving licence. Once the certified copy of the driving licence had been received Miss B's registration was confirmed. I cannot say why the information provided in branch in March 2023, wasn't processed and I can see this did cause a delay.

Since Miss B has been registered as the Power of Attorney on Mr H's account Santander has confirmed that Mr H's cards were cancelled, and it sent the requested copies of historic statements to Miss B. Miss B noted that a new chequebook hadn't been provided for one of

Mr H's account but Santander said as the Court of Protection order had been registered Miss B wouldn't be able to have a cheque book as this facility is no longer available.

So, while the registration of Miss B as Mr H's Deputy has now been completed and further actions taken in response to the requests following this, I think this process was subject to unnecessary delays and that Santander could have provided a better service. As this process is being undertaken for Mr H by Miss B in a professional capacity the issues above may have resulted in him incurring unnecessary costs.

I cannot hold Santander responsible for the delays due to the required documentation not being provided and while there may have been some confusion about the required documents at times, as these weren't provided until March 2023, I do not find I can require Santander to do anything further in regard to the issues raised up to this point. However, as it appears that Miss B's documents should have been processed in branch in March 2023 and this didn't happen, following which further letters needed to be sent, I find costs directly linked to this should be refunded. I requested information regarding these costs, but this hasn't been provided. If this evidence is provided, then I would expect these costs to be refunded but without the evidence I wouldn't require Santander to take any further action.

Santander responded to my provisional decision. It said it had previously asked for evidence that Miss B had submitted her driving licence and identification in branch in March 2023, and for details of the branch she visited. It said it hadn't received this and it hadn't been able to locate copies of this on its internal systems. It then asked what the justification for awarding costs from this date without evidence would be.

Miss B, acting on Mr H's behalf, didn't respond to my provisional decision and didn't provide any further evidence of costs incurred since March 2023.

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.

As I set out in my provisional decision, I think that Santander could have provided better service while dealing with the PoA registration for Mr H. I note Santander's comment about Miss B not providing evidence of her visiting the branch in March 2023, but it isn't unreasonable that I would accept her testimony that this happened.

That said, we have requested further evidence from Miss B both in response to the question about the branch she visited with her identification documents and also in regard to any costs incurred following this. As no evidence has been provided, as I noted in my provisional decision, I do not require Santander to take any further action to resolve this complaint.

My final decision

My final decision is that as no evidence has been provided of costs incurred after March 2023, for the letters sent providing the identification documents Miss B said were provided in branch in March 2023, I do not require Santander to take any further action in resolution of this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 22 February 2024.

Jane Archer

Ombudsman