

## **The complaint**

Miss B, who brings the complaint on behalf of her father, Mr B, complains about poor customer service from Dignity Funerals Limited.

## **What happened**

The details of the complaint are well known to the parties, so I'll give just a brief summary here.

In March 2008, Mr B bought a funeral plan. Mr B now lives in a care home and has very limited capacity.

In November 2022, Miss B attended a funeral directors to provide a lasting power of attorney (LPA) for Mr B, in respect of his property and financial affairs. This document was copied and forwarded to Dignity. From the evidence I've seen, this was the first time the LPA document had been provided to Dignity, although I note the LPA was signed and registered with the Office of the Public Guardian in 2011. I've also seen an LPA for Mr B in respect of health and welfare, signed and registered in 2020. This document was provided to us by Miss B, along with the earlier LPA. I've not seen any evidence that the 2020 LPA was provided to Dignity - but I wouldn't expect to, as the LPA in respect of property and financial affairs is the pertinent power of attorney for Mr B's funeral plan. I note that Mr B's attorneys are empowered to act jointly and severally.

From November 2022 onwards, there were several instances of poor service which Miss B found frustrating. Amongst other things, Miss B says Dignity's call handlers were poorly trained and didn't understand how to deal with the LPA or what it meant in terms of an attorney's liability. And she says documents received listed her as the plan holder, rather than attorney and included spelling errors in names and titles. Miss B also wants Dignity to acknowledge that any attorney named on the LPA can act for the plan holder, Mr B.

In July 2022, Miss B complained. Dignity responded with some explanations about its processes and standard templates and apologised for any confusion caused. It said feedback would be provided regarding the templates and offered Miss B £30 and its sincere apology for any inconvenience caused. After some further communication it increased its offer to £100. I've seen that Miss B requested payment of the offer in September 2023.

Miss B brought the complaint to the Financial Ombudsman Service. An investigator looked into things for her. He thought Dignity had done enough to acknowledge Miss B's concerns and put things right. He acknowledged that Miss B is correct when she says that any attorney is empowered to deal with Dignity on Mr B's behalf. But they would still need to comply with Dignity's internal identification and verification processes. Our investigator also explained to Miss B he was not able to comment on Dignity's offer of £100 compensation because our rules only allow us to award compensation for distress and inconvenience to eligible complainants themselves, not their representatives.

Miss B asked for an ombudsman to make a final decision on the complaint. She would like

me to require Dignity to provide proper training to its staff regarding powers of attorney. And she said she'd suffered considerable time-consuming inconvenience in dealing with Dignity on her father's behalf, as his agent.

### **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.

Having done so, I don't think Dignity needs to do anything more to resolve this complaint. I recognise my decision will disappoint Miss B and I'm sorry about that. I'll explain my reasons, focusing on the key points and evidence I consider material to my decision.

Firstly, I'd like to assure Miss B that I understand the comments she's made regarding her position as one of the attorneys for her father. But I will clarify our rules regarding eligible complainants. The rules governing the Financial Ombudsman Service are the Dispute Resolution: Complaints rules – known as DISP and are set out in the Financial Conduct Authority Handbook. DISP 2.7.1 R and 2.7.2 R state:

*'A complaint may only be dealt with under the Financial Ombudsman Service if it is brought by or on behalf of an eligible complainant.'*

*'A complaint may be brought on behalf of an eligible complainant (or a deceased person who would have been an eligible complainant) by a person authorised by the eligible complainant or authorised by law.'*

So the eligible complainant in this case is, and only is, Mr B himself. He is a party to the contract with Dignity and, in plain terms, Dignity's customer. The LPA entitles Miss B, or any other attorney, to act in Mr B's stead. Under our rules, the attorneys authorised by Mr B may bring a complaint on his behalf. Being authorised by the eligible complainant or authorised by law does not make the attorney the eligible complainant under our rules. They are, in our terms, Mr B's representative.

Miss B has candidly explained that her father is not aware of the difficulties she's encountered with Dignity. So there's been no impact on him directly. Our rules only allow us to make compensation awards for distress and inconvenience experienced by the eligible complainant themselves. I don't doubt that Miss B has found her contact with Dignity frustrating. But this, or Dignity's offer of compensation, is not something I can comment on further.

I have looked at whether Dignity has responded fairly and reasonably since Miss B raised a complaint. As well as offering compensation, Dignity has clarified that Mr B remains the plan holder and covered individual. It's offered some explanation for the mistakes that happened, made corrections, given feedback internally on its templates and apologised for the confusion and inconvenience. Overall, I think this reasonably recognises and addresses the problems Miss B encountered. So I'm not going to tell Dignity to do anything more.

Finally, I'd like to acknowledge Miss B's desire for me to require Dignity to provide training to its staff on powers of attorney. I recognise the strength of Miss B's views on this matter and her desire for others in similar situations to receive a better service. But I'm afraid this isn't something I'm able to do. Our role as a dispute resolution service is to give fair and impartial answers to individual complaints. I have no power to tell a business to review its processes and procedures or to provide training for its staff. But Miss B may find it helpful to know that the industry regulator – the Financial Conduct Authority - does require businesses to learn

from customer complaints and to identify and remedy any recurring or systemic problems. This is part of the dispute resolution rules, referred to above, (DISP 1.3.3R) that all financial businesses subject to regulation must abide by.

### **My final decision**

My final decision is that I don't require Dignity Funerals Limited to do anything more to put things right.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss B to accept or reject my decision before 29 December 2023.

Jo Chilvers  
**Ombudsman**