

The complaint

Mr S, who is visually impaired, is unhappy that HSBC UK Bank Plc won't allow him to make monetary transfers of over £1,000 in branch without a passport or a driving license.

What happened

Mr S went into a HSBC branch to instruct transfers from his account. But HSBC wouldn't allow him to instruct the transfers as he wanted. This was because, for transfers over £1,000, as Mr S wanted to make, HSBC required presentation of photo ID in the form of either a passport or a driving license. Mr S wasn't happy about this as his passport had expired and renewing it is difficult, because of his visual impairment, and he isn't allowed to hold a driving license, again because of his visual impairment. So, he raised a complaint.

HSBC responded to Mr S's complaint and explained that the requirement for photo ID was a security policy designed to prevent fraudulent activity and that as such they didn't feel they'd acted unfairly towards Mr S by applying that policy to his requests. Mr S wasn't satisfied with HSBC's response, so he referred his complaint to this service.

One of our investigators looked at this complaint. But they didn't feel HSBC had acted unfairly in how they'd managed the situation, so they didn't uphold the complaint. Mr S remained dissatisfied, so the matter was escalated to an ombudsman for a final decision.

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.

I issued a provisional decision on this complaint on 2 June 2023 as follows:

I'd like to begin by confirming that this service isn't a regulatory body or a Court of Law and doesn't operate as such. This means that it isn't within my remit here to declare that HSBC have acted in a non-regulatory or unlawful way.

Instead, this service is an informal, impartial dispute resolution service. And while we do take relevant law and regulation into account when arriving at our decisions, our remit is focussed on determining whether we feel a fair or unfair outcome has occurred – from an impartial perspective, after taking all the circumstances and factors of a complaint into consideration.

I highlight the above in part because Mr S has said he feels that HSBC have discriminated against him because of his visual impairment. I can't declare that HSBC have or haven't discriminated against Mr S in breach of the Equality Act 2010 – this would be a matter for a Court of Law to decide. But I can take a position as to whether I feel HSBC have treated Mr S fairly, in consideration of all the circumstances of this complaint.

And, upon consideration of this complaint, I don't feel that HSBC have treated Mr S fairly in this instance. I say this because, in situations such as this, I feel that there's an onus on HSBC to have made reasonable adjustments and to find alternative arrangements for Mr S – which I don't feel that HSBC have reasonably attempted to do.

This isn't to say that HSBC should be expected to change its processes company wide here. But it is to say that I've considered the legal and regulatory requirements incumbent on HSBC to make reasonable adjustments for customers with impairments such as Mr S. These requirements seem fair to me, and so I would expect HSBC to make reasonable efforts to accommodate Mr S's needs here, which at present I don't feel that they've done.

HSBC have explained that branch staff do have the discretion to process payments of over £1,000 without the need for photo ID where the account holder in question is known to them. But Mr S maintains that he is personally known to HSBC's staff in the branch he visits, and so I asked HSBC to ask their staff in that branch why they weren't willing to use their discretion in Mr S's specific case.

HSBC responded by explaining that the branch staff had been questioned and that all were aware that they could use their discretion if a customer is known to them. HSBC also explained that branch staff will only decline to make a payment over £1,000 if they don't know the customer and if the customer doesn't have identification.

But this doesn't answer the question as I asked it to HSBC – which was for HSBC to ask the staff of the branch in question why they weren't willing to use the discretion available to them in Mr S's specific case. And I find Mr S's claim that he is known to the staff in that branch – because of the frequency of his visits to that branch, his recognisability, and his need to interact with branch staff when in branch – to be persuasive.

Even accepting that it was reasonable for HSBC's branch staff to have not used their discretion in Mr S's case, I don't feel that HSBC have made reasonable adjustments for Mr S, as I feel would be fair. And I also find it difficult to understand what exact risk in Mr S's specific case HSBC is seeking to mitigate against not allowing him to verify his identity in an alternative way here.

HSBC may counter that Mr S could instruct transfers via telephone banking or could instruct transfers of less than £1,000. But I can understand why Mr S, as a person with visual impairment, would want to complete transfers in branch, with the assistance of branch staff, and I don't see why he should be denied this option or the option to make transfers of the amounts that he wants because of his visual impairment and because of HSBC's apparent refusal to make reasonable adjustments for it.

As such, my provisional decision here is that I'll be upholding this complaint in Mr S's favour and instructing HSBC to make reasonable adjustments to allow him to make transfers in branch as he would like without the need to present photo ID that he doesn't possess.

I've asked HSBC what reasonable adjustments they could potentially make, to which HSBC explained that they could use a non-photo form of identification that would be acceptable for account opening identify verification, such as a pension letter, for identification purposes – but that Mr S would need to bring this form of non-photo ID

with him every time he visited branch. This seems reasonable to me, and so my provision instructions will include that HSBC must make reasonable adjustments in line with this suggestion and in discussion with Mr S.

Finally, Mr S has explained to this service how HSBC's refusal to complete his requested transactions based on his not having photo-ID he doesn't possess has been upsetting to him – given his visual impairment as previously explained – and how he's been unnecessarily inconvenienced by being unable to use his account as he would like to and in having to travel to HSBC's branches without a satisfactory resolution.

I can appreciate Mr S's position here, and I feel that he has incurred both inconvenience and upset that he reasonably shouldn't have incurred. And so, my provisional instructions will also include that HSBC must make a payment of £300 to Mr S to compensate him for the trouble and upset that he's experienced here.

Mr S responded to my provisional decision and explained that he felt one aspect of his complaint hadn't been considered. Specifically, that HSBC hadn't accepted that a complaint could be made on what HSBC deemed to be 'a matter of policy'.

I apologise if Mr S feels that I didn't fully consider his complaint. However, I can confirm that this aspect of Mr S's complaint isn't something that it's within my remit to consider. This is because, as explained in my provisional decision letter, this service isn't a regulatory body, and it also isn't within the remit of this service to consider how a complaint that's been made about how a business has handled a complaint.

Mr S has also explained that he would like HSBC to be compelled to change their policies regarding the issues about which he complains. But again, given that this service isn't a regulatory body, Mr S's request in this regard is beyond the scope of what I'm able to consider. To confirm, the remit of this service is very much focussed on the specific events of Mr S's complaint and the impact of these events on Mr S himself. And it isn't in consideration of any wider scope beyond this.

Mr S finished by confirmed that he's happy that my provisional decision found in his favour but feels the £300 compensation amount I provisionally instructed for the trouble and embarrassment he incurred here is somewhat low.

Matters of compensation can be subjective. The £300 compensation amount I arrived at in my provisional decision is in consideration of the events about which Mr M complains and which I feel were unfair, and the impact of those events on Mr S as he'd described it. And it's also in consideration of the general framework which this service refers to when determining compensation amounts for distress and inconvenience – further details of which can be found on this services website. And, while I appreciate that Mr S may not agree, upon re-consideration of these points, I continue to feel that £300 is a fair compensation amount.

Finally, HSBC also responded to my provisional decision and said that they were happy to accept it. HSBC confirmed that they'd already instructed the relevant branch to accept certain non-photo ID for Mr S. However, as per my provisional decision letter, my instruction here will be that HSBC must make reasonable adjustments in discussion with Mr S himself, to ensure that Mr S reasonably has access to the documents HSBC are now happy to accept, and so I encourage HSBC to contact Mr S about this matter accordingly.

All of which means I see no reason not to uphold this complaint in Mr S's favour on the basis as described in my provisional decision letter above. And I confirm that I do uphold this complaint on that basis accordingly.

Putting things right

HSBC must make reasonable adjustments in discussion with Mr S to allow him to present non-photo ID verification documents when in branch.

HSBC must also make a payment of £300 to Mr S.

My final decision

My final decision is that I uphold this complaint against HSBC UK Bank Plc on the basis explained above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 28 July 2023.

Paul Cooper
Ombudsman