

## **The complaint**

Mrs P complains that she was unable to change her PIN number for her card with HSBC UK Bank Plc trading as first direct ("FD") resulting in her being unable to withdraw money from ATM's. Mrs P feels that FD failed to take her disability into consideration and wants more compensation than the £200 she's been awarded so far.

## **What happened**

Mrs P opened an account with FD on 4 November 2022. Mrs P found she was unable to change her PIN number which meant she was unable to withdraw cash from ATM's. Though Mrs P was able to use the card to transact.

Mrs P contacted FD about this. FD told Mrs P that she needed to activate the card before she could use it. So the following day Mrs P followed FD's instructions but was still unable to change her PIN and contacted FD again. Mrs P was advised that the issue may be that she was trying to use an unsafe PIN number or the card was faulty. Mrs P didn't want to try again so FD agreed to send Mrs P another PIN out and Mrs P raised a formal complaint.

FD called Mrs P regarding this on 4 January 2023. Mrs P explained she was still having trouble changing her PIN number though the PIN that came with the card worked. It was agreed to resolve the issue that FD would send out another new card and PIN. FD acknowledged that this would inconvenience Mrs P as she would be without a card for a few days and she'd have to update her card details with various organisations, but confirmed she will be able to see her card details on the FD app. Mrs P confirms that she was able to use her joint account with her husband in the meantime but that she wants to be compensated for the inconvenience. FD offers Mrs P £75, than £100 compensation. Mrs P agrees to accept the £100 compensation providing she has no further trouble with the new card and PIN.

Mrs P continued to have issues with her card but by 19 January 2023 FD established that the cause of the card and PIN issue was the use of a weak PIN being chosen. This was discussed with Mrs P and as a resolution to her complaint FD agreed to compensate Mrs P a further £100 which she accepted. The issues Mrs P had with her card and PIN were finally resolved on 26 January and she was able to withdraw cash from an ATM.

Following this Mrs P felt that the compensation offered was insufficient given the inconvenience suffered so brought her complaint to this service.

One of our adjudicators looked into Mrs P's concerns and reached the conclusion that Mrs P had been inconvenienced by not being able to use her card and that FD had failed to communicate with Mrs P regarding what the issue was that was causing this (a weak PIN) for around 10 weeks. But as the problem had now been resolved they thought that the overall compensation of £200 was fair and didn't think FD needed to do anything more.

Mrs P disagreed and has asked for an ombudsman's 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 hope that Mrs P won't take it as a discourtesy that I've condensed her complaint in the way that I have. So I've concentrated on what I consider to be the crux of the complaint. Our rules allow me to do that. And the crux of Mrs P's complaint is that she wasn't able to change the PIN on her card resulting in her being unable to withdraw cash from an ATM.

Since raising her initial complaint Mrs P has further complained that says she feels discriminated against because she suffers from a condition which makes it difficult for her to remember things – so she needed to be able to change her PIN to something she could remember and that this has been overlooked by FD. Mrs P wants further compensation.

It might be helpful for me to say here that, as we are not the regulator, I cannot make the bank change its systems or processes – such as how cards are activated or PIN number changed. We offer an informal dispute resolution service and we have no regulatory or disciplinary role.

My role is to look at the problems Mrs P has experienced and see if the FD has done anything wrong or treated them unfairly. If it has, I would seek – if possible - to put Mrs P back in the position she would've been in if the mistakes hadn't happened. And I may award compensation that I think is fair and reasonable.

In this case it is not disputed that Mrs P had trouble changing her PIN number for her card and that she has been inconvenienced and at times embarrassed at the repeated attempts to do this. But this issue has been resolved now and Mrs P is now able to use her card.

I appreciate Mrs P thinks that FD has treated her unfairly by overlooking her disability. But having listened to all the phone calls she had with FD about the issues she was having, I can't see that she ever specifically raised her condition with FD or that it was something it had to take into consideration when setting a PIN.

I do acknowledge that Mrs P does mention - albeit very briefly - that she has a condition that makes it difficult to remember things. But she never goes into any more detail than that. So I don't think FD treated Mrs P unfairly when it was focussed on trying to resolve her issue of not being able to change her PIN.

I also appreciate that Mrs P may not be able to use the PIN she wishes and that this might make things more difficult for her. But this needs to be balanced with FD's need to have robust security measure in place to protect its customers against fraud. So I don't think it is unreasonable for FD to have minimum requirements in place for PIN numbers that would be acceptable.

Mrs P wants further compensation for the inconvenience caused to her while she was unable to change her PIN or withdraw money from ATM's. While I agree that it took some

time to get to the bottom of what was causing the issue, in the end FD did resolve it and compensated Mrs P £200 - which she accepted. Things don't always go smoothly and although Mrs P was no doubt inconvenienced, I'm not persuaded further compensation is warranted or would make a material difference to Mrs P's circumstances.

So overall and having considered everything I think FD has done enough to settle Mrs P's complaint and I think the compensation is already paid is fair, so I'm not going to ask it do anything more.

### **My final decision**

For the reasons I've explained I've decided not to uphold Mrs P's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs P to accept or reject my decision before 12 December 2023.

Caroline Davies  
**Ombudsman**