

The complaint

Miss R and Mr S complain that Bank of Scotland plc (trading as Halifax) has caused them distress by trying to force them to agree to paperless statements when their disabilities mean that is not a suitable format for them.

What happened

Miss R and Mr S hold a current account with Halifax, they are signed up for online banking, but choose to have paper statements sent to them as that format makes it easier for them to manage their finances.

When logging into online banking Miss R and Mr S have been presented with a 'pop-up' which asks them to choose paperless statements. Miss R and Mr S say there is no clear option to say they do not want paperless statements, and they feel that Halifax is trying to force them into using paperless statements when that does not work for them. Miss R and Mr S have said they have been made to feel anxious and stressed about logging into online banking as they do not know when the pop-up will next appear.

Miss R and Mr S raised the complaint with Halifax, and Halifax looked into what they had said. Ultimately, Halifax explained that it was unable to change the pop-up that was appearing as that was something that all customers received, but that Miss R and Mr S were still receiving paper statements and that had not changed. Halifax also provided some information about how Miss R and Mr S could contact it with any questions or concerns if they did not want to call the bank.

Miss R and Mr S were not happy with Halifax's response to their complaint, so they referred the matter to our service. One of our Investigators looked into what had happened, but did not feel Halifax had done anything wrong as Miss R and Mr S were still receiving paper statements, and the pop-up was something Halifax sent to all customers.

Miss R and Mr S remained unhappy; they feel that Halifax has breached the Equality Act 2010 by failing to offer them reasonable adjustments as the pop-up they receive does not give the option to say no to paperless statements and they have not been able to opt out of receiving the pop-up. So as no agreement could be reached, their complaint has been passed to me for a 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.

Having done so I've reached the same conclusion as our investigator and for the same reasons.

I appreciate that Miss R and Mr S find it frustrating and upsetting to be asked regularly if they would like paperless statements, and I understand why they don't want to receive paperless statements. But I've not seen evidence to show that Halifax is forcing them to choose paperless statements against their wishes.

Halifax has not been able to provide a screenshot of the pop-up Miss R and Mr S would have received, and I acknowledge that Miss R and Mr S say it did not give the option to opt out of paperless statements. But given that Miss R and Mr S continue to receive paper statements in the post, and Halifax has confirmed that their preference for paper statements has remained unchanged on their banking profile, I consider that it is more likely than not that the pop-up does give the option to dismiss it or otherwise choose not to change your statement preferences.

So while I appreciate why Miss R and Mr S are frustrated by this, I can't see that Halifax is forcing them to choose paperless statements. Instead it appears that this is an option Halifax presents to its customers, but that they can choose not to opt into.

Miss R and Mr S have referred to the Equality Act 2010 in their response to the investigator's findings, specifically they have said they feel Halifax has not made reasonable adjustments for their disabilities.

For clarity, as a service, it's not our role to say whether a business has breached the Equality Act 2010 or discriminated against its customer – that's for the courts to do. We're an informal alternative to the courts and decide complaints on a fair and reasonable basis. It appears the Act is a relevant consideration when deciding this complaint, so I've taken that legislation and what it says about how businesses should treat consumers into account when considering this complaint and whether Halifax has acted fairly and reasonably here.

But for the reasons set out above, although I've looked carefully at what has happened here, and acknowledge that Miss R and Mr S say they find the pop-up frustrating and that they worry about when it will appear, I nonetheless think that Halifax has acted reasonably. I've not seen anything to suggest that the pop-up has prevented Miss R and Mr S from using their account in the way they wish, and they have continued to receive statements in their preferred format.

I know this will be disappointing, as it's clear how important this issue is to Miss R and Mr S, but I'm satisfied Halifax has acted reasonably here, so I won't be asking it to do anything more.

My final decision

I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R and Mr S to accept or reject my decision before 3 August 2023.

Sophie Mitchell
Ombudsman