

The complaint

Mr L complains that his Bank of Scotland plc ("BOS") card was declined numerous times. Mr L feels that he has been discriminated against.

What happened

Mr L contacted BOS following his card being declined. Mr L had attempted to make a payment at a local shop for £40 on four occasions with only the last one being successful.

Mr L says he waited over an hour to speak to a BOS agent and then their computer crashed which meant he had to wait further and subsequently had to call back.

BOS didn't uphold Mr L's complaint regarding his card being blocked but accepted that the level of service provided wasn't acceptable and offered Mr L £50 compensation.

Mr L was dis-satisfied with this and brought his complaint to this service.

One of our investigators looked into Mr L's concerns and reached the conclusion that the transactions that Mr L made that had failed were due to being contactless and that to be successful the transaction required entry of Mr L's PIN.

They accepted this had inconvenienced Mr L but thought that it was a reasonable security measure BOS had in place. They thought the £50 compensation for the service Mr L had received when raising the issue was a fair way to compensate him.

Mr L 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.

Having considered everything provided, I've decided not to uphold Mr L's complaint.

I hope that Mr L won't take it as a discourtesy that I've condensed his 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 Mr L's complaint is that his card was declined when tried to make a purchase and that he felt discriminated against. Mr L wants to be compensated for this.

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 transactions are processed or what security measures a bank puts in place. We offer an informal dispute resolution service and we have no regulatory or disciplinary role.

My role is to look at the problems Mr L has experienced and see if the BOS has done anything wrong or treated them unfairly. If it has, I would seek – if possible - to put Mr L back

in the position he 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 Mr L had trouble using his debit card to make a £40 purchase at a shop. The transaction failed on three out of four transactions over the space of around a minute. From the information I've seen this was due to a PIN being required and that Mr L's transaction was successful once he entered his PIN rather than using a contactless payment method.

This is outlined in the terms of conditions of Mr L's account where it says:

"we are sometimes required to ask for two separate forms of security checks before we can authorise a transaction. We may have to decline a transaction if you have not provided them (for example, certain transactions may be declined if you try to use contactless payments and don't enter a PIN when asked)."

These terms and conditions apply to all accounts – not just Mr L's. And I've seen nothing to suggest that the same security measures haven't also been applied to other customers, so I don't think BOS has discriminated against Mr L.

And I don't think the problems Mr L has experienced is through any error on BOS's part. While this extra security measure may have caused some inconvenience and even embarrassment, I don't think the extra security measures are unfair. Indeed, while I wouldn't tell BOS how to run its business or what security measures it needs in place, I would expect it to take reasonable measures to protect its customers against theft and fraud.

I also understand Mr L has gone on and been able to use his card to make further transactions successfully despite the security measures.

Mr L is also unhappy at the service he received when he raised these issues with BOS. BOS has apologised that its service wasn't up to standard and compensated Mr L £50 which I think is fair in the circumstances. Things don't always go smoothly. And not every mistake warrants compensation. Here, I don't think the detriment Mr L has suffered warrants an award above that already offered.

So overall and having considered everything I do not uphold Mr L's complaint.

My final decision

For the reasons I've explained I've decided not to uphold Mr L's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr L to accept or reject my decision before 1 November 2023.

Caroline Davies
Ombudsman