

The complaint

Mr J complains that he received a poor level of service from the Bank of Scotland plc ("BOS") when he raised disputes about some payments he made.

What happened

Mr J is unhappy with the service he received from BOS. He says he was treated poorly by one of the bank's call handlers, during a call around June last year – specifically that the call handler appeared to be racist. Mr J is also unhappy about how his complaint was handled and that the bank went ahead and deposited compensation funds into his account – without his permission.

Mr J adds that he's been affected emotionally by these issues. By way of resolution, Mr J wants further compensation and asks that BOS handles the issues he's experienced directly with the relevant staff members.

In its responses, BOS recognised some of its service issues, such as a failure to acknowledge one of Mr J's complaint related emails. In total, BOS paid Mr J £120 compensation. In response to Mr J's concerns about its call handler, BOS acknowledged a better choice of words could've been used but didn't agree that the call handler came across as racist.

After Mr J asked this service to get involved, our investigator decided that BOS had acted fairly. Mr J disagreed and asked 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.

As our investigator pointed out, some of Mr J's concerns do not fall under the remit of this service. Mr J complains about the way BOS handled his complaint – he says the complaint handler failed to properly address his concerns, that compensation was paid into his account without his permission, there were delays and that he felt BOS was dismissive.

However, the rules this service is subject to say that complaints about complaint handling do not come under our remit because such issues aren't considered as or ancillary to regulated activities. So I can't comment on these concerns as part of my decision.

I've listened to the relevant call that took place around June last year. I can see that the call lasted a while and it's apparent that Mr J was distressed by the situation. Mr J says that the call handler made racist remarks. I need to clarify that this service is unable to make findings on whether something constitutes discrimination as per The Equality Act 2010 ("the Act"). This is because this service is an informal alternative to the courts, and only a court of law can make a legal finding based on the definitions set out within the Act.

However, I can consider whether the bank has acted in a fair and reasonable manner, and to

do that I will take several things, including the Act into consideration, where relevant. I think it is relevant here.

Having listened to the call, I'm not persuaded that the call handler treated Mr J unfairly. In its final response letter sent in December 2022, BOS says its call handler could've used a better choice of words and that feedback would be provided. I can see that the call handler did make a comment about finding it difficult to understand accents because of their own background. The call handler also seemed quick to clarify her remarks after Mr J became upset by what she'd said.

In my opinion though, the call handler's comments appear to be an explanation as to why they asked Mr J to repeat himself, which I don't think was unreasonable. BOS has said it will provide feedback, so I don't find that it needs to do anything more.

So, although I understand Mr J's frustrations at the time, I haven't seen anything to persuade me that BOS treated him unfairly.

My final decision

I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 13 October 2023.

Abdul Ali
Ombudsman