

The complaint

Mr W is visually impaired and complains about Bank of Scotland plc, trading as Halifax, ignoring his request for a reasonable adjustment and breaching the Equality Act.

What happened

I issued my provisional decision on 27 October 2023, and this is what I said:

I've considered the relevant information about this complaint.

Based on what I've seen so far, there will be a different outcome to what our investigator proposed.

Before I issue my final decision, I wanted to give everyone a chance to reply.

I'll look at any more comments and evidence that I get by 20 November 2023. But unless the information changes my mind; my final decision is likely to be along the following lines.

The complaint

Mr W is visually impaired and complains about Bank of Scotland plc, trading as Halifax, ignoring his request for a reasonable adjustment and breaching the Equality Act.

What happened

Mr W holds several accounts with Halifax and had made them aware of his visual impairment.

In October 2022, Mr W visited a Halifax branch to open a savings account.

Mr W says a face-to-face appointment wasn't available, so he agreed to a phone appointment within the branch. Mr W explains that he was put through to the wrong department and he had to wait for approximately 30 minutes to speak to a consultant. He informed the consultant about his visual impairment and specifically requested all correspondence to be sent to him in large font.

Despite this request, Halifax didn't adjust the font size and Mr W struggled to read the letter. He also felt he had been given incorrect information, so he called Halifax to complain. Mr W says the call was difficult and distressing. This is because he was transferred several times and initially put through to the fraud department, which considering he was making a large investment, caused him to become worried and feel vulnerable.

Halifax sent Mr W a letter apologising for giving incorrect information, poor call handling and not making the requested correspondence adjustment. They paid Mr W £150 redress and explained that a manual process was necessary for converting letters to large print and the error was because their telephony team didn't have a process.

Halifax also explained that they had a disability support team and said "they've confirmed the situation will be reviewed with our telephony team and changes will be made. But I'm not able to give you a timescale for when the change will be implemented."

Mr W was dissatisfied with this response. He complained to our service as he felt Halifax were breaching the Equality Act (2010) and “causing far too much distress for the sight impaired for the foreseeable future”. Also, he would like Halifax to implement new IT systems to prevent this from happening in the future.

Our investigator was sympathetic however he felt Halifax’s resolution was fair and reasonable.

As Mr W remains dissatisfied this case has been referred to me to look at.

What I’ve provisionally 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 have a different view to the investigator and I’m upholding this complaint. I will explain how I have come to my decision.

I should first explain this service can’t instruct a business or business group to alter its policy, procedures, processes or systems. I say this because we aren’t the regulator of the financial services industry. Our role is to consider each individual case and, where we think a business hasn’t acted fairly and / or reasonably in the circumstances, to decide what should be done to put right any financial, or non-financial losses that a consumer has experienced. So, whilst I sympathise with Mr W’s experience and fully understand his desire for Halifax to make changes including an automatic system, I’m unable to instruct them to put preventative measures in place.

The relevant law in this matter is the Equality Act 2010. Under the Equality Act 2010, businesses must take reasonable steps to remove barriers people face as a result of their disability so that, as far as possible, people with disabilities receive the same service as people who don’t have a disability and are therefore not placed at a substantial disadvantage. However, it’s not for this service to judge whether Halifax have breached the Equality Act 2010, as that’s an issue for the courts. But I can take into account any relevant law and wider industry practice when deciding whether Halifax treated Mr W fairly and reasonably in the circumstances of this complaint.

I’m pleased to hear that Halifax have a disability support team and guidance and that they “are working to improve services as quickly as possible”; however, considering Mr W’s experience here, I can understand his disappointment and frustration with this comment. In this case there is no financial loss. Halifax have apologised to Mr W, accepted they made mistakes and offered him £150 redress. So, what’s left for me to decide, is whether this amount of redress is fair and reasonable for the practical and emotional impact on Mr W. I first considered whether Halifax representatives should’ve been aware of Mr W’s visual impairment and if they had any guidance.

Mr W said Halifax were aware of his visual impairment. He describes a “big red warning” flag that appears on a Halifax screen when he identifies himself in the branch. He also says he made the person on the call aware of his visual impairment. Halifax said the following:

“We do have guidance for customers who have a disability. A support need is added to the customers records once we have received a verbal agreement from that customer to record it. Please see below the support needs that have been recorded on our system for Mr W

- *25/1/22 on-going – adapt – patience / understand*

- 25/1/22 on-going – large print
- 31/7/23 on-going – signposting”

Halifax haven't provided detailed information on how they support customers who have a disability. However, based on the above, I'm satisfied that Halifax representatives should've been aware that Mr W was visually impaired when he presented himself at the Halifax branch in October 2022. Also, they should've been ready to adapt their service and provide support in line with Financial Conduct Authority (FCA) vulnerable customer guidance. I then checked the file to see if Halifax had considered the above when they acknowledged their mistakes and offered redress.

The information on file suggests redress was awarded for the following three mistakes, which includes failing to make a reasonable adjustment:

- 1. Giving incorrect information*
- 2. Poor call handling including transferring Mr W to the wrong area*
- 3. Failing to modify the letter*

Regarding the poor call handling, this happened on two occasions. The first occasion was in a Halifax branch and the second after Mr W received a letter that he struggled to read. Although I can understand how this type of telephone mistake can happen in such a busy bank, considering Halifax knew about Mr W's vulnerability and had a message to 'adapt' I was surprised that branch representatives weren't more attentive, ensuring Mr W was put through to the correct department. By not getting things right first time, I can see they caused Mr W, who is a vulnerable customer, both inconvenience and distress.

Also, Halifax say they have a support team, yet I can't see that this was communicated to Mr W. Mr W describes the difficulties he had reading the letter and how this caused him to feel distressed and vulnerable. Mr W explains that this led to him calling a general Halifax telephone number and I can understand his comments, that he felt worried, distressed and vulnerable, when he was put through to the fraud department by mistake. Whilst this mistake was unfortunate and could happen to any customer, Mr W was a vulnerable customer and I think Halifax representatives should've considered that Mr W may have questions when the letter arrived or may need the support team. Furthermore, as a system isn't yet in place, I can't see that any Halifax representatives took responsibility for ensuring Mr W would receive a modified letter and this led to the error.

So, considering all the above, I don't think Halifax have fully considered the impact, both practical and emotional, of their mistakes, on a vulnerable customer when they had knowledge and some guidance to provide Mr W with a greater level of support. Also, whilst the impact appears short-term, I'm persuaded that in addition to worry, upset and distress Halifax's mistakes have caused Mr W to have a loss of confidence.

So, it's my provisional decision to partially uphold this complaint and I require Halifax, to pay Mr W £350 compensation less any amounts already paid.

My provisional decision

For the reasons I've given above, it's my provisional decision to partially uphold this complaint.

I require Bank of Scotland plc, trading as Halifax, to pay Mr W £350 compensation less any amounts already paid.

I'll look at anything else anyone wants to give me – so long as I get it before 20 November

2020.

Unless that information changes my mind, my final decision is likely to be as I've set out above.

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.

In my provisional decision, I gave both Mr W and Halifax the opportunity to provide any comments or new information they might wish me to consider, before I moved to a final decision.

I didn't receive a response from Mr W.

Halifax said, "I can confirm we have nothing further to add and will accept the proposal in the provisional decision".

So, having reconsidered everything including the responses received, I see no reason to depart from my provisional decision, which I adopt in full as part of this final decision.

My final decision

My final decision is that I partially uphold this complaint.

I require Bank of Scotland plc, trading as Halifax, to pay Mr W £350 compensation less any amounts already paid.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 22 December 2023.

Paul Douglas
Ombudsman