

The complaint

Mr I complains about how he was treated in a branch of National Westminster Bank Plc during an interaction with a member of staff.

What happened

In August 2023, Mr I attended a branch of NatWest to sort out a direct debit problem. He spoke to a deputy manager who assisted him in a private office. When that deputy manager asked for his account number, Mr I says they commented on the last three digits of the number – 911 – that it was interesting and made a strange looking face at him. Mr I was upset and he said he found the comments hurtful because of his faith. He says that it severely affected his mental health as he had previously been off work for six months for anxiety and depression.

As part of its investigation into matters NatWest said the branch manager asked the member of staff about this allegation and they advised him that they didn't remember the customer but stated they would "*never make any racial comments*". It said that, given the nature of the allegation, it would have thought this would have been something the staff member would have remembered. The testimony concluded that the staff member would never say anything racist. Nevertheless it was prepared to pay Mr I £50 compensation.

On referral to the Financial Ombudsman Service our Investigator found that the remark was something that should not have been said, regardless of the intent. He was unable to comment on what the intent was, so couldn't say if it was discriminatory, but could say that it was very poor service. He proposed increasing the award of compensation to £350.

Mr I felt that the proposed award was far below his expectations given what had happened and the impact of matters on him.

On the understanding that Mr I wanted an Ombudsman's decision, NatWest decided not to comment any further on the Investigator's view.

The matter was passed to me for an Ombudsman's consideration. I issued a provisional decision. In it I said I found Mr I's recollection to be persuasive. And in light of the impact on him, and other factors, NatWest should pay compensation of £500.

Both parties accepted my provisional findings.

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 set out below my provisional findings, which I've amended slightly, in italics.

"I need to clarify that this service is unable to make findings on whether something constitutes discrimination as per the Equality Act. This is because we're an informal, free

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 a business has acted in a fair and reasonable manner. And in order to do that, I will take a number of things, including the Equality Act 2010, into consideration.

As regards the circumstances of Mr I's visit to the bank, our Investigator asked for his comments as to exactly what happened and how it affected him. He said that the deputy branch manager looked at the last three numbers of his account and stated "oooh that's interesting and [made] a strange looking face whilst acknowledging my account details." He said that he felt very emotional and upset at her comments.

The staff member concerned said they didn't remember the customer but stated they would "never make any racial comments". It was also said initially by NatWest that, given the nature of the allegation, this is something they would have remembered. The complaints specialist repeated this response in NatWest's final response letter to Mr I and said she thought it was not plausible that the branch would make such a comment so was unable to agree with the complaint.

I don't find NatWest's response here to be persuasive. In particular the staff member said they don't remember seeing Mr I at all. However he was taken into to a private office and the matter would have been discussed five days later. Yet NatWest also said the allegation wasn't plausible, and it's difficult to understand how it can be sure of this when the member of staff can't remember Mr I. So I can understand why NatWest's approach here would have made Mr I feel as though his concerns weren't being taken seriously. And ultimately, just because the member of staff didn't remember him, I'm not persuaded this means that the incident in question didn't take place.

Whilst NatWest has told us that it takes such complaints with the utmost seriousness, my view is that its investigation was maybe not as thorough as I'd have expected it to be. Mr I telephoned the complaints department on the same day that the incident took place. He had a long conversation with a complaints adviser but the said adviser felt unable to go into the details of the incident. The matter was referred to a complaints specialist who spoke to Mr I the next day, and she did take from Mr I the full details. However she only contacted the branch by e-mail and because the manager was on holiday, he didn't receive it until five days later. And by that time the deputy manager said they didn't remember Mr I.

Having reviewed the evidence, I think Mr I's recollection that a comment was made concerning the last three digits of his account number, is persuasive. I say this because Mr I has been consistent in what he said about the matter immediately after the event, and how upset he was at the time and in talking to NatWest's complaint specialists and our Investigator.

So, bearing in mind what both parties say about the incident, I think it likely that something in the nature of commenting on Mr I's account number took place. As I've said, I can't make a finding about whether it was discriminatory. And whilst I can accept that the intent behind the comment was unlikely to be intended to cause offence, it was an unnecessary comment to make, regardless of intent.

I think that NatWest should pay Mr I compensation. And to assess that I have to consider what impact it had on him. NatWest was unaware of Mr I's mental health at the time. Mr I has been clear and detailed about the impact matters have had on him. I do understand that he had previously been treated for depression and anxiety and had been off work for six months. I also understand that it badly affected him. He has sent us a copy of a medical report from April 2023 which confirms this.

Further, Mr I informed us that he was due to go back to work in early September 2023 – he said he works in the Education sector. And as his return to work was only a few weeks after the incident took place, Mr I says this resulted in sleepless nights, as he felt anxious regarding the incident.

I also think that NatWest didn't undertake a full investigation of the matter. Mr I says it made him feel devalued. I think that this aggravated the impact on Mr I, because he simply felt that he wasn't listened to. And I think the comment about it not being plausible, despite the staff member not remembering the event, would have also made him feel as though his concerns were being dismissed

So taking all those matters into consideration, I think it is difficult to assess awards where there has been no financial loss alleged. I think that a fair and reasonable award of compensation should be £500. I accept that Mr I has his own view about what the proper award should be but I have to take into account our approach and awards we have made in other cases.”

As both parties have accepted my provisional findings, as amended I am persuaded by those findings. They are now final and form part of this final decision.

Putting things right

NatWest should pay Mr I £500 compensation.

My final decision

I uphold the complaint and require National Westminster Bank Plc to provide the remedy set out under “Putting things right” above.

Under the rules of the Financial Ombudsman Service, I’m required to ask Mr I to accept or reject my decision before 13 June 2024.

Ray Lawley
Ombudsman