

The complaint

Mr J complains National Westminster Bank Plc (“NatWest”) provided him with poor customer service, failed to make reasonable adjustments, discriminated against him, gave false information, and that it didn’t adhere to the required timescales for a subject access request.

What happened

In late 2022, after a transaction was raised for verification, Mr J had a series of interactions with NatWest mainly on the phone – but also in branch. Mr J says he was given misleading information about a transaction leading to it erroneously being considered fraudulent. He then complained about the way he had been spoken to about this and the way NatWest’s fraud departments operated – including its business hours.

Unhappy Mr J raised a complaint. He then had many calls with NatWest and complained about the way he was inappropriately spoken to, calls disconnecting, and not receiving promised call backs from management. Mr J also says he’s been treated differently in branch to that of people from other ethnic backgrounds.

Mr J also complains about NatWest misspelling his name on one of the letters it sent to him. Mr J raised further issues after raising a Subject Access Request (SAR) with NatWest. He says this information was provided outside the timescales which apply, and NatWest didn’t make reasonable adjustments for him by sending phone calls on a USB as opposed to on a CD. And that it didn’t highlight pertinent parts of its policies and terms of his account as requested to help with his neurodiverse condition.

Unhappy with NatWest, Mr J complained. NatWest then sent Mr J its responses to his complaint. In summary, the key points NatWest made were:

- NatWest agrees Mr J was initially given incorrect information that a transaction on his account was possibly fraudulent. This was corrected and Mr J was told it was a trading transaction which he recognised as authorising
- Mr J had complained that one of NatWest’s complaint handlers, who I’ll refer to as T, shouted at him and said they were not there to ‘babysit’ him after he had explained he had a neurodiverse condition. Also, Mr J was unhappy with other complaint handlers for terminating calls and being unhelpful.

NatWest listened to those calls and was sorry for the poor customer service Mr J had received. NatWest said T’s manager would be informed and appropriate action will be taken

- Having checked its internal notes, NatWest can only see one occasion where a call was dropped, but an attempt to call Mr J back was made. NatWest was sorry no other members of staff tried to call Mr J back. And if a promise is made for to call him back, it should have been actioned. So NatWest agreed with Mr J on this matter
- NatWest was sorry Mr J received poor service in one of its branches. Feedback will

be provided to the relevant branches

- NatWest was sorry Mr J's name was misspelt on one of its letters
- NatWest was sorry two calls were terminated by its call handlers from the SAR team – this should not have happened. NatWest is only able to provide Mr J with calls on a CD or an audio format. It doesn't have the facility to transfer calls onto USB. NatWest was sorry a manager from the SAR team didn't call him
- Mr J feels he's been discriminated against, and that NatWest's branch were racially biased towards him. NatWest doesn't agree it has discriminated against Mr J
- Mr J was unhappy his complaint was passed from one case handler to another. NatWest is sorry Mr J wasn't informed of this change, but the previous case handler had developed a system issue
- To apologise for all its failings, NatWest credited Mr J's account with £400
- NatWest is sorry Mr J felt its complaint handler interrupted him and terminated the call, and that others have been rude to him. But its staff were genuinely trying to help understand Mr J's complaint and aide him with it
- It's clear the SAR timescales Mr J was initially provided were not adhered to. Mr J was sent an electronic response, and on 21 March 2023 a copy was sent by post as he'd requested

Unhappy with NatWest's response, Mr J referred his complaint to this service. One of our Investigator's then looked into Mr J's complaint. In summary, they found:

Incorrect information regarding unrecognised transaction:

- Mr J called NatWest to query a transaction on his account which was showing on his statement as an ATM withdrawal. He was initially told this could be a fraudulent transaction and was advised to freeze his card. This likely caused Mr J some stress and worry as NatWest weren't immediately able to clarify what this transaction was
- NatWest told Mr J the relevant team couldn't provide him with this information straight away as they were only available from 8am until 8pm. This caused Mr J greater impact due to his neurodiverse condition
- NatWest later confirmed it was a trading transaction and wasn't fraudulent. NatWest upheld this part of Mr J's complaint and apologised for giving him incorrect information. This was reasonable, and it was also reasonable for NatWest to ask Mr J to freeze his card when it thought fraud was being carried out

Poor service on phone calls

- On the call with T, Mr J was told NatWest takes mental health seriously. Mr J wanted to speak to someone more senior and escalate his complaint but was told his complaint would first need to be logged. After which someone would call him back. But Mr J wanted to speak to someone immediately at which point T raised their voice and said this wasn't possible. Mr J had said he was unhappy and anxious as T had shouted at him. It's understandable why Mr J felt uncomfortable due to T's behaviour
- Having listened to the call, it's not the case that T blamed Mr J's neurodiverse

condition for shouting. T apologised during the call and offered to raise a complaint for raising his voice. Mr J was then transferred to the next available agent

- NatWest apologised to Mr J for the poor service T had provided, and that appropriate internal action would be taken. Though Mr J wants to know what action is taken, it's not unreasonable for NatWest to say it can't share this as it's an internal matter
- There were various calls in which NatWest's agents terminated calls after giving Mr J a warning. On some of these calls, agents could have done more to get the conversation back on track – and understand better what Mr J was looking for. NatWest acknowledge only one of its agents tried to call Mr J back. NatWest apologised for its failings here

Discrimination

- Mr J complains NatWest failed to make reasonable adjustments for him in line with provisions of the Equality Act 2010. Mr J will need to go to court if he wants a determination the Equality Act was breached, though it's something this service can take into consideration
- Mr J says NatWest's branch staff assumed he was there to make a withdrawal whereas consumers from other ethnicities were asked what service they required. NatWest say it's a diverse organisation, and it doesn't discriminate against its customers. Whilst it might be frustrating for staff to assume what service a customer wants; our Investigator hasn't seen any evidence Mr J was discriminated against
- Having listened to all the calls and considered all the information available, our Investigator didn't think Mr J had been discriminated against based on his race, mental health condition or any other basis

Acknowledgement letter with incorrect name

- NatWest apologised for this error and that is sufficient

Subject Access Request

- Mr J made a SAR request on 19 December 2022, and wanted the response sent electronically and by post. NatWest has explained it usually responds to SAR's within the timeframe of a calendar month, unless it is complex - in which case it can take up to three months
- On 16 January 2023, NatWest informed Mr J that due to the complexity of his request it would now aim to send him its response within a three-month timeframe
- Mr J was sent the SAR response on 20 March 2023 – one day outside the three-month time frame. Mr J is also unhappy this update was sent to him outside of office hours. But our Investigator was satisfied this didn't cause Mr J any detriment
- NatWest has confirmed it cannot provide call recordings on a USB, and it's not a service it can provide as it doesn't have the facility to do so. NatWest provides calls on CD if sent physically or as an audio file if sent by email. This is reasonable

Conclusion

- Mr J was provided poor customer service on multiple occasions, so he wasn't treated

fairly. But the £400 NatWest has already paid is fair compensation for these issues

- NatWest said it takes on feedback and learns and changes where appropriate to do so. Mr J can continue to provide feedback through the complaints process should he feel he needs to
- NatWest has also said its unable to arrange for Mr J to speak directly to the board of directors as they don't deal directly with customers. This is reasonable

Mr J didn't agree with what our Investigator said. In summary, the key points he makes are:

- The compensation isn't sufficient as Mr J spoke to over ten agents who provided poor service
- Apologies for poor service from individuals who had provided it doesn't show NatWest is truly sorry. Mr J wants a verbal apology from every agent who provided a poor level of service to him
- Mr J wants to know why the DSAR was a day late, and he doesn't feel he's had closure with this issue yet because of the trauma it caused him and for not knowing the reason why. Mr J is still unhappy the DSAR timescales were not met overall
- Mr J's point about the complaint handler being changed wasn't addressed. Our Investigator said it was ultimately up to NatWest which case handler it appoints. And they were happy NatWest hadn't deliberately done so as per Mr J's suggestion
- Mr J says he felt bullied and harassed by the new complaint handler. Our Investigator didn't agree having listened to the call

As Mr J didn't agree, his complaint has been passed to me to decide.

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 do not uphold this complaint. I'll explain why.

Firstly I note Mr J has raised other complaint issues relating to a further DSAR request and a junior ISA. Our Investigator has explained that these need to be addressed by NatWest first, and so they make up separate complaints. Because of this, these issues will not be a material consideration in my decision.

I'm very aware that I've summarised the events in this complaint in far less detail than the parties and I've done so using my own words. No discourtesy is intended by me in taking this approach. Instead, I've focussed on what I think are the key issues here. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts.

If there's something I've not mentioned, it isn't because I've ignored it. I'm satisfied I don't need to comment on every individual argument to be able to reach what I think is the right outcome. I do stress however that I've considered everything Mr J and NatWest have said before reaching my decision.

Poor customer service – phone calls

I'd like to assure Mr J that I've carefully listened to his calls with T and other NatWest call handlers – of which there have been around 20. This should further assure Mr J that I've been able to listen to a wide spectrum of calls to determine whether he was provided poor service, and to what extent.

NatWest accept Mr J's call with T was handled improperly. Having listened to these calls, I also agree. T clearly and inappropriately raises his voice which I note led to Mr J becoming anxious on the call. Having said that, I don't find that T said it was Mr J's neurodiverse condition that caused this. T quickly apologises for his behaviour and tries to constructively get matters back on track. But at that point the damage had been done and I can understand why Mr J felt anxious and uncomfortable. So I uphold this part of Mr J's complaint.

T also offered to log the complaint against himself and transfer the call to another complaint handler, which I'd expect him to do. NatWest apologised for this and said it would take appropriate internal action to deal with T's behaviour. I know Mr J would like to know what was done specifically, but I'm satisfied NatWest is acting fairly and reasonably by saying it will follow its internal processes and so it doesn't need to disclose anymore than that.

Several calls that I've listened to also disconnected and others were deliberately terminated – in most cases due to the handlers feeling the conversation had become unconstructive. Overall, I agree that calls dropping, and with little evidence call-backs were then attempted, is poor service. I also think that on some occasions the call handlers, regardless of what department they were from, could have done more to get the conversations back on track, especially as they were made aware of Mr J's condition.

It also appears Mr J was promised call-backs which never materialised. NatWest have agreed it had failings here too - and upheld Mr J's complaint points about this. I note NatWest says it could only find one record of such a call-back promise not being made. That could be because on many occasions Mr J was told a manager couldn't call him back. But I think it's likely that this may have happened on more than one occasion.

Unrecognised transaction:

It's unfortunate NatWest provided Mr J with incorrect information when he queried a transaction on his account and that this led to it being considered fraudulent. I have no doubt that being told this erroneously would have caused Mr J some distress. But NatWest did later confirm it wasn't and that it related to a trade Mr J was aware of. I note NatWest apologised for this and upheld this complaint point. So I don't need to say anything more here.

Mr J was also upset that the fraud team he wanted to speak to wasn't open at the time he called and says such services should be available all-day long. Most banks do offer access to its fraud services outside of normal office hours, especially where a consumer needs to report fraud in the first instance.

Mr J's issue was being investigated and as such I can understand why a specialised team might not be available outside of the hours of 8am until 5pm. It's also not my role to tell NatWest how to operate on a broader basis. But in the context of this complaint I don't think it's done anything wrong by not having the resource available outside the hours I've already mentioned.

Mr J wasn't happy NatWest advised him to freeze his debit card when it thought a transaction may have been fraudulently made from his account. I've already said that NatWest gave Mr J incorrect information in the first place which led to this incorrect deduction. But I'm persuaded NatWest acted in good faith in giving this advice, which after

all was designed to prevent any financial harm to Mr J. So I don't think this was improper advice given the context - despite it being based on misinformation.

SAR request and reasonable adjustments

The Information Commissioner's Office (ICO) says a business must comply with a SAR without undue delay and at least within one month of receiving the request. A business can extend the time to respond by a further two months – so three months in total – if the request is complex or it's received several requests from the data subject.

NatWest say it uploaded the SAR acknowledgement letter on 21 December 2022 two days after the request was logged on its system. NatWest informed Mr J that it normally responds within a calendar month unless the request is considered complex. On 16 January 2023, NatWest sent Mr J an extension notice which was again uploaded onto the online portal. NatWest informed Mr J that it would extend the deadline by a further two months due to the complexity of his request.

NatWest sent the SAR request information to Mr J on 20 March 2023. It says this wasn't a breach of the timeframe as 19 March 2023 had been a Sunday – which means the response can be issued the next working day.

Having given this careful thought, I'm persuaded NatWest hasn't done anything wrong here. I've given this finding more weight because I'm also minded that receiving this information on a Monday after the weekend is unlikely to have caused Mr J any detriment. So I think, on balance, NatWest hasn't done anything wrong here. I'm also satisfied that the nature of Mr J's request was sufficiently complex, especially considering the calls he wanted. So NatWest didn't do anything wrong in extending the deadline by a further two months.

Reasonable Adjustments

Mr J complains that NatWest failed to make reasonable adjustments for him under the Equality Act 2010. It's not our role to say whether a business has acted unlawfully or not – that's a matter for the Courts. Our role is to decide what's fair and reasonable in the circumstances. To decide that, however, we have to take a number of things into account including relevant law and what we consider having been good industry practice at the time. The relevant legislation here is the Equality Act 2010, and I've taken this into consideration.

Mr J says NatWest failed to make reasonable adjustments for him given his condition by not sending him the phone calls he wanted on a USB. NatWest say it cannot provide call recordings on a USB, as it doesn't have the facility to do so. NatWest can however send calls on CD if sent physically or as an audio file if sent by email.

Given its own limitations, and as Mr J could receive the calls in digital format, I'm satisfied that it's acted fairly and reasonably here. NatWest say it has raised feedback internally to see if this is a service it can offer in the future, so I don't think there's more it could do. I also haven't seen compelling evidence Mr J would strictly need information on a USB stick to help him with managing his condition.

I've also heard Mr J ask NatWest to send him any pertinent parts of its terms and conditions highlighted. However Mr J had never said what actual issue he was referring to for NatWest to have done so – whether it was to do with its fraud controls, SAR or customer service. So in the event it sent Mr J its terms and conditions in their full format, I don't think it acted unfairly or unreasonably.

Discrimination

Mr J says NatWest's branch staff have discriminated against him by assuming he wanted to make a cash withdrawal whereas they asked consumers from other ethnicities what service they required. So Mr J says he has been discriminated against due to his race.

I'd like to assure Mr J that I've very carefully considered everything he's said about this. And I want to make clear I do not doubt how genuinely he feels about this matter and the upset NatWest's actions have caused him. While I appreciate this is Mr J's perspective, it is not my role to decide whether discrimination has taken place as a matter of law – only the courts have the power to decide this.

I have, however, considered the relevant law in relation to what Mr J has said when deciding what I think is the fair and reasonable outcome. Part of this has meant considering the provisions of The Equality Act 2010. But after doing so, I've not seen evidence to indicate Mr J has been treated unfairly. I don't doubt what Mr J says, but as it's what he says he observed, I can't be sure what exactly happened.

Other points

- I don't think NatWest needs to do any more than provide the apology it has already given Mr J for misspelling his name. I can't see that it's impacted or caused him anymore detriment that warrants compensation
- Mr J says he wants a verbal apology from every call handler who provided him with poor service. NatWest's complaints handler, on behalf of its employer, has made this apology and I think that is reasonable. After all, it is for the delegated complaint handler to investigate a complaint and put things right, including making an apology on NatWest's behalf, if things have gone wrong
- Mr J isn't happy NatWest changed the complaint handler originally assigned to his complaint. NatWest says this was due to a system issue the former handler was having. I haven't seen any evidence to contradict this and given the personal circumstances Mr J has explained, I'm satisfied NatWest acted both fairly and reasonably by allocating another complaint handler so the complaint could be handled as quickly as possible
- Mr J says he felt bullied and harassed by the new complaint handler. But having listened to that call, I'm satisfied that wasn't the case
- Mr J isn't happy that he wasn't able to speak to NatWest's board of directors about his complaint. I can understand why Mr J feels like this, but it's often the case that executives delegate responsibility in an organisation like NatWest. So I don't think it's acted unreasonably by not doing so

Fair compensation

I'd once again like to assure Mr J that I've listened to all the calls NatWest has provided to me. I also agree with all the complaint points it's upheld. But I haven't upheld any other complaint points which haven't previously been upheld or any novel or nuanced one's Mr J's made subsequently.

So I need to decide whether the £400 Mr J has already been paid is fair compensation. Considering the impact NatWest's failings had, especially the distress and inconvenience it caused Mr J, I'm satisfied £400 is a sufficient award. This is in line with what our approach to such awards is – this is available on our website. So, I don't think NatWest needs to do anymore than it's already done.

My final decision

For the reasons above, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 31 May 2024.

Ketan Nagla
Ombudsman