

## **The complaint**

Mr B complains about the way he was treated whilst visiting a branch of HSBC UK Bank Plc.

## **What happened**

Mr B visited a branch of HSBC to reset his online banking password. Mr B was asked to return with identification and did so a short time later.

During this visit, Mr B says he gave his identification documents to a member of staff. Mr B says the member of staff asked him to verbally confirm a previous address, despite the information being included on the identification he'd handed over. Mr B says he asked the advisor to use the address on the identification but they refused and rudely insisted he confirm it verbally as well.

A manager became involved. Mr B says the manager interrupted him and told him to leave the branch. Mr B says the manager told him to "*go somewhere you will be respected.*" Mr B has explained he remained calm throughout and didn't shout. But Mr B says HSBC's branch staff were rude and he feels they discriminated against him because of his race and religion.

HSBC has provided a statement from the staff involved that differs to what Mr B says happened. HSBC's branch staff said Mr B was asked to provide answers to standard security questions as part of the process of obtaining a new online banking password. HSBC claims Mr B became agitated and started to shout "*I require respect as a customer of your bank.*" When a manager came to assist they say Mr B continued to shout and was asked to leave the branch.

Mr B complained and said HSBC had discriminated against him due to his race and religion. HSBC sent Mr B a final response but didn't agree it had treated him unfairly.

Mr B referred his complaint to this service and it was passed to an investigator. The investigator requested copies of any CCTV or audio recordings available. But HSBC confirmed it doesn't record audio in branch and the CCTV footage had been deleted.

The investigator upheld Mr B's complaint and said HSBC should've done more to help him understand the process of resetting his online banking password and questions that may be asked. But the investigator didn't think HSBC had treated Mr B differently based on his race or religion. The investigator thought HSBC should've handled Mr B's visit better and upheld his complaint.

HSBC agreed to pay Mr B £150 but he asked to appeal. As a result, Mr B's case has been passed to me to make a 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.

I'd like to thank Mr B for the level of detail he's provided concerning his experience in branch. Mr B has told us he feels discriminated against by HSBC's branch staff due to his race and religion. I understand why Mr B is upset and appreciate he feels HSBC's staff treated him unfairly.

As a service, it's not our role to say whether a business has breached the Equality Act 2010 or discriminated against its customer. We're an informal alternative to the courts and decide complaints on a fair and reasonable basis. But I want to assure Mr B that as the Equality Act 2010 is relevant law in this particular case, I've taken that legislation and what it says about how businesses should treat consumers into account when considering his complaint.

Mr B and HSBC have provided very different versions of what happened in branch. Mr B asked for the CCTV and audio recordings to be considered. But HSBC has confirmed it doesn't record audio in branch and didn't retain the CCTV footage. I agree with Mr B that the absence of the CCTV footage is frustrating as he's consistently asked for it to be reviewed since raising a complaint. And there's nothing to indicate HSBC reviewed the footage during its investigation. But I'm satisfied we've got enough information on file to reach a fair decision in this case.

Where both parties provide different versions of what happened or what was said I'll base my decision on the balance of probabilities. That is what I consider most likely to have happened having considered all the available information. In this case, Mr B says the advisor he spoke with didn't explain why he was asked to verbally confirm an address that was on a piece of identification he'd just handed over. And it's clear Mr B found the way he was asked to be rude. I agree with the investigator that HSBC's advisor should've explained why he needed to ask questions about Mr B's address history more clearly. And I think that might've helped resolve the situation before it escalated.

Both parties confirm there was a disagreement between Mr B and the advisor. Mr B says he remained calm throughout but the advisor was rude and used an arrogant tone with him. The advisor claims it was Mr B that became agitated and shouted when he was asked questions about his address history. I think it's most likely that matters became heated with voices being raised on both sides. But I think that came about because the advisor failed to clearly explain the purpose of their question, not on the basis of Mr B's race or religion. And I'm not persuaded that Mr B's race or religion played a part in the questions he was asked. HSBC says it wanted to confirm Mr B's old address verbally. I think the representative is likely to have made the same enquiries with any customer in the circumstances.

Mr B has told us the manager said he should go somewhere he is respected when he was asked to leave the branch. And HSBC's manager says Mr B repeatedly told him he required respect from the branch staff. I don't doubt what Mr B has told us or how the comment made him feel. But I think both Mr B and the manager most likely made comments about respect during his visit. And whilst I agree the situation should've been handled better and the manager ought to have done more to restore calm, I don't think the comments were made on the basis of Mr B's background or religious beliefs.

I can see how the situation in branch made Mr B feel and I don't seek to diminish what he's told us. But I think the issues raised most likely came about when matters escalated after the parties disagreed. As I've said above, I think HSBC should've done more to explain why it was asking Mr B further security questions and calm things down. HSBC has agreed to pay Mr B £150 in recognition of the service provided in branch.

Whilst I know my decision will come as a disappointment to Mr B, I'm satisfied £150 reflects the impact of how his branch visit was handled and is a fair way to resolve his complaint. As a result, I'm going to uphold Mr B's complaint on that basis.

**My final decision**

My decision is that I uphold Mr B's complaint and direct HSBC UK Bank Plc to pay him £150.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 22 March 2022.

Marco Manente  
**Ombudsman**