

The complaint

Mr C and Mr W are unhappy with the service they received from National Westminster Bank Plc ("NatWest") surrounding a request they made via telephone to upgrade an account and apply for a mortgage.

What happened

Mr C called NatWest to ask about upgrading an account and applying for a mortgage. The NatWest agent that Mr C spoke with told him he'd have to apply for the account upgrade online, and that it was NatWest's policy to only help people aged 70 and over on the telephone as it was felt they would be more likely to struggle with the online process. Mr C wasn't happy about this and felt that he was being discriminated against because he was under the age of 70. So, he raised a complaint.

NatWest looked at Mr C's complaint. They accepted that they should have provided a better standard of service to Mr C on the telephone and helped him apply for the account upgrade at that time. So, they apologised to Mr C and made a payment of £100 to him as compensation for any trouble and upset that he'd incurred.

Mr C wasn't satisfied with NatWest's response, so he referred his complaint to this service. One of our investigators looked at this complaint. They felt that the spirit of NatWest's response to Mr C's complaint was commendable, but recommended that NatWest should pay a further £50 compensation to Mr C (taking the total amount payable to £150) which they felt would more fairly compensate Mr C for the upset this matter had caused.

Mr C and Mr W didn't feel that the recommendation put forwards by our investigator went far enough, and so the matter was escalated to an ombudsman 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.

NatWest has accepted that it provided Mr C and Mr W with poor customer service. Mr C and Mr W don't see it that way. They believe that what NatWest have done goes beyond poor customer service. They've felt discriminated against.

I can understand why Mr C and Mr W feel this way. But I do feel that NatWest have broadly understood how their actions have made Mr C and Mr W feel and I note that they've apologised for those actions and issued compensation of £100. And I also note that NatWest have accepted our investigators recommendation to make a further compensation payment of £50, taking the total compensation amount to £150.

Matters of compensation can be subjective, with an offer considered as being fair and reasonable by one party not being considered as being such by someone else. But the total compensation amount of £150 already agreed to by NatWest does feel fair to me here, in consideration of all the circumstances. And I can confirm that it's commensurate with what I

would have instructed, had it not been recommended by our investigator.

In their correspondence with this service, Mr C and Mr W have explained that they feel that NatWest's actions are in breach of the Equality Act 2010 and that they've therefore acted unlawfully. And I'm also aware that Mr C and Mr W would like this service to instruct NatWest to change its policies as to how telephone requests for account upgrade assistance are handled.

It's not our role to say whether a business has acted unlawfully or not – that's a matter for the Courts. Similarly, it's also not within our remit to instruct a business to change its operational procedures.

Our role is to decide what's fair and reasonable in all the circumstances specific to a complaint. To decide that we have to take a number of things into account, including relevant law and what we feel constituted good industry practice at the time. So although it's for the Courts to say whether or not NatWest has breached the Equality Act 2010, we're required to take the Equality Act 2010 into account, if it's relevant, amongst other things when deciding what's fair and reasonable in the circumstances of the complaint.

Having done so, I feel that the acceptance of the poor service and the apology already issued by NatWest, as well as the agreement to pay further compensation up to the total amount of £150, already represents a fair and reasonable resolution to what's happened here. And I don't feel that NatWest should be reasonably instructed to pay any additional compensation beyond that amount in this instance.

In arriving at this position I've considered the impact of NatWest's actions on Mr C and Mr W as they've described it, as well as NatWest's acceptance of the negative impact of their actions and the apology that they've issued to Mr C and Mr W for them.

All of which means that while I accept that Mr C and Mr W may not agree with my position and may continue to feel that additional compensation is merited here, it follows that I won't be instructing NatWest to pay any further compensation beyond the total amount of £150 to which they've already agreed.

It follows then that while I will be upholding this complaint in Mr C and Mr W's favour, I'll be doing so only on the basis that NatWest must make the further £50 compensation payment to which they've previously agreed to pay. I realise this won't be the outcome Mr C and Mr W were wanting, but I hope they'll understand, given what I've explained, why I've made the final decision that I have.

Putting things right

NatWest must make a further payment of £50 to Mr C and Mr W, taking the total amount of compensation paid to £150.

My final decision

My final decision is that I uphold this complaint against National Westminster Bank Plc on the basis explained above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C and Mr W to accept or reject my decision before 25 August 2022.

Paul Cooper

Ombudsman