

The complaint

Mr O has complained that Clydesdale Bank Plc trading as Virgin Money hasn't acted in accordance with the Equality Act 2010 in making reasonable adjustments due to his disability. As a result, Mr M feels he's been a victim of discrimination.

What happened

Originally Mr O was unhappy that Virgin Money failed to provide an effective means to raise a dispute regarding a chargeback request. However, while raising this issue, Mr O encountered multiple problems with Virgin Money; he's said:

1. There was no way to raise the dispute on the app or online which he feels denied customers the right to manage accounts and raise disputes.
2. They failed to read his correspondence before responding.
3. When he called Virgin Money, he was directed to the website which then directed him to the phone number he'd dialed.
4. He repeatedly requested that Virgin Money write to him or send emails as he is autistic and can't deal with telephone operators.
5. He felt the complaints team intended to discriminate against him.
6. Virgin Money failed to acknowledge the issues he had raised and failed to provide a resolution.
7. Virgin Money referred to Mr O's autism as a health condition.
8. The overall correspondence from Virgin Money caused distress.
9. Virgin Money deliberately failed to properly answer his questions to his complaint.
10. Virgin Money failed to properly handle his data

Mr O asked Virgin Money to address and respond to each of his individual complaint points separately as a reasonable adjustment. However, Mr O remained unhappy because he felt Virgin Money failed to address his complaint fully and in the format he'd requested.

Our investigator looked into the concerns Mr O raised. She explained that she wouldn't be making a finding on whether Virgin Money had breached the Equality Act 2010. However, she agreed Virgin Money hadn't made the reasonable adjustments Mr O had asked for and said it should pay Mr O £300 for the distress, upset and inconvenience this caused him. She also asked if Virgin Money would agree to refunding the original transaction and provide an explanation of what its specialist support team (SST) do and how it can support Mr O.

Originally Mr O accepted the investigator's opinion and Virgin money refunded the transaction, paid the recommended compensation and provided information regarding its SST.

However, Mr O remained unhappy with the continued correspondence in relation to the SST. This was because he felt it wasn't co-operating or specifically highlighting what support it would offer. Our investigator provided further clarification for Mr O in regard to this. She felt Virgin Money had done enough to answer Mr O's questions and offer further support if he required it. Mr O remained unhappy, so his complaint was passed to me to consider.

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 agree with the investigator's opinion, broadly for the same reasons, I will explain why. I would like to highlight that I've taken into account Mr O's very detailed submissions about what has happened. 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 point or argument to reach what I think is the right outcome. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the Courts.

Firstly, I must point out that I can see our investigator asked Virgin Money to refund the original transaction, and that Virgin Money agreed to do so. As such, I won't be commenting on this aspect of the complaint. My decision will focus on Mr O's complaint relating to the poor service, failure to make reasonable adjustments, and his further allegations of discrimination.

As explained by our investigator, this service is unable to make findings on whether or not something constitutes discrimination under the Equality Act 2010. This is because we are an informal, free alternative, to the Courts. Only a Court of law can make a legal finding based on the definitions set out within the act.

I know this will be frustrating for Mr O, but unfortunately, I am unable to provide him with such an answer. However, I can consider whether Virgin Money has acted in a fair and reasonable manner; and to do that I will take a number of things, including the Equality Act 2010, into consideration.

I agree with the investigator's findings that Mr O had outlined the fact he had autism, explained why he couldn't contact the call centre to raise a dispute, and asked for a different solution. But despite this, no reasonable adjustments were offered.

After reviewing Mr O's correspondence to Virgin Money, I agree there were multiple occasions where Virgin Money didn't respond to Mr O's correspondence, or action the reasonable adjustments he was asking for. This would have further amplified Mr O's frustration and concerns - and led him to believe he was being treated unfairly.

I acknowledge that Virgin Money did apply an internal indicator to Mr O's account to ensure all areas of its business were aware that Mr O required alternative methods of communication. And while Virgin Money notified Mr O aware of this internal indicator, it failed to offer a proper explanation of what this meant. This resulted in Mr O worrying about what this meant for his account and how he would be impacted. Given that Virgin Money had been made aware Mr O was autistic, I think it is reasonable to assume, it was foreseeable that sending a vague notification, would have had a greater impact on him.

I can see that Virgin Money did refer Mr O's account to its SST to see what further support it could provide. But, originally, this wasn't explained to Mr O. Again, causing further distress.

Overall, I do agree Virgin Money didn't always respond to Mr O's correspondence as I would expect. I also agree it failed to make reasonable adjustments and failed to explain why those adjustments were made. As such, I do agree compensation was warranted in order to put this right. However, I consider £300 is fair and reasonable, and I am pleased to see Virgin Money agreed to pay Mr O this amount.

In the investigator's opinion she asked Virgin Money to explain to Mr O what support its SST could provide. I have reviewed the correspondence between Mr O and Virgin Money in relation to this. Having done so, I can see the SST team reached out to Mr O after the investigator issued her opinion, and said:

"Within Virgin Money, we have a Specialist Support Team. This team is there to offer potential assistance and support to customers, who may require assistance. We are able to offer assistance which is tailored to our customers' requirements and provide those customers with a direct point of contact with Virgin money."

It went on to say that if Mr O felt he would benefit from the SST he could contact it on a specified number. I am satisfied this correspondence did highlight what the SST was and what it can do. However, it wasn't helpful that it only provided a contact number, and not alternative ways for Mr O to contact it if he had further questions. This shows the SST wasn't aware of Mr O's complaint and I understand why he would have been frustrated with this. However, I do note this didn't stop Mr O corresponding via email, so while it would have been frustrating and amplified his original concerns, he was able to ask for clarification.

In the further correspondence, I am satisfied that the SST explained what it did and highlighted some of the ways it could assist for example corresponding via email. It also asked Mr O to provide further information in relation to his autism to assess what support it could provide. So, I can't agree with Mr O's comments that Virgin Money failed to explain what its SST could do or how it could assist him. As such I won't be asking Virgin Money to do anything further in relation to this aspect of his complaint.

Putting things right

Overall, I agree that Virgin Money made errors with the service it provided when dealing with Mr O's complaints, and I can see why Mr O felt he wasn't being treated fairly. I can also see this would have impacted him in several ways, including him feeling disrespected, suffering a degree of distress and upset, and feeling he wasn't able to communicate in a way which was appropriate for him. However, Virgin Money agreed to pay Mr M £300, which was recommended by our investigator, to compensate for the distress, disrespect and impact it had on his feelings and I'm satisfied that the compensation offered is sufficient to recognise this. As such, I won't be asking Virgin Money to do anything further.

My final decision

My final decision is that I uphold this complaint but don't require Clydesdale Bank Plc trading as Virgin Money to do anything further.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 29 June 2022.

Jade Rowe
Ombudsman