

The complaint

Mr H complains about Lloyds Bank PLC and their failure to provide him with the PIN to his current account on an audio CD.

What happened

In April 2021, Mr H opened a current account with Lloyds. Mr H has said when opening the account, he asked for his PIN to be sent to him via audio CD as he is registered blind and other banks had actioned this request.

But Lloyds didn't send Mr H's PIN on an audio CD and so, Mr H raised a complaint. Mr H thought Lloyds had failed to make reasonable adjustments when they failed to send his PIN by audio CD. So, he wanted to be compensated for the upset and inconvenience this caused, as well as a PIN to be sent in this format.

Lloyds responded and upheld Mr H's complaint. They recognised they had failed to explain the options available to Mr H clearly and paid £80 to recognise this. But they didn't think they had failed to make reasonable adjustments and felt as though they had provided Mr H with reasonable options, that fell within their own security processes. Mr H remained unhappy with this response, so he referred his complaint to us.

While the complaint has been with our service, Lloyds have offered to pay Mr H a further £200 to recognise any trouble and upset he's been caused by not having a PIN for his account.

Our investigator looked into the complaint and upheld it. They thought Lloyds had made reasonable adjustments. But they accepted it wasn't disputed that this could've been made clearer to Mr H. Considering this, they thought the total compensatory offer of £280 made by Lloyds was a fair one. They felt the £280 was enough to recognise any distress and inconvenience Mr H had suffered throughout the time he'd been in conversation with Lloyds about receipt of the PIN, whilst recognising Lloyds have provided Mr H with reasonable options on how to receive it.

Mr H didn't agree. He maintained his view that Lloyds had failed to make reasonable adjustments and he felt they had broken the law because of this. And he didn't think our investigator had taken the Equality Act 2010 into consideration fairly. As Mr H didn't agree, the complaint has been passed to me for 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.

Having done so, I'm not upholding the complaint for broadly the same reasons as the investigator. I've focused my comments on what I think is relevant. If I haven't commented on any specific point, it's because I don't believe it's affected what I think is the right outcome.

First, I want to recognise the impact this complaint has had on Mr H. I appreciate Mr H has been seeking his PIN in a format that is accessible to him. And I can understand why, as other banks have actioned this request, Mr H believes his PIN should be sent to him by audio CD. So, I can appreciate the inconvenience this has caused Mr H when Lloyds have failed to do so. I can also appreciate why Mr H feels as though he has been unfairly treated and why he would want to be compensated for this.

But for me to say Lloyds should do something more than the £280 they've already offered, I'd need to be satisfied that they have made an error and that this error has impacted Mr H to such an extent that the offer already made isn't fair and adequate compensation. And in this situation, I don't think that's the case.

Before I explain why I've reached my decision, I think it would be useful to explain exactly what I'm able to consider, and how. It's not my role to say whether I think a business has acted unlawfully or not as that's a matter for courts. Instead, I've decided on what I think is fair and reasonable in the circumstances.

When deciding that, I've taken into account the Equality Act 2010. But I won't be determining whether I think Lloyds have breached this act, as this falls under the remit of the courts. Banks such as Lloyds have a duty under this act to make reasonable adjustments to allow customers access to their services. But these adjustments must be practical, and this means that even if one bank is able to do something, it doesn't necessarily follow that every other bank should do the same.

In this situation, Lloyds have confirmed that all PIN's are sent to customers by post, including those customers who are blind and/or deaf. And that they don't have a separate process that allows PIN's to be sent out initially in a different way.

But I can see Lloyds confirmed Mr H's PIN could be sent to a local branch, where it could then be transcribed onto an audio CD, but this would require a temporary change to Mr H's listed address. Or, Lloyds have confirmed they could send the PIN to Mr H and he could post it back, to allow for the same transcription process. They have explained this is to ensure the safety of Mr H's pin, and so the security of Mr H's account.

So, I've thought about whether I think these options were reasonable to Mr H, and his individual circumstances. Mr H has confirmed he has no support for his daily activities and that actions such as his shopping are done by phone. And Mr H has said he rarely goes out but that he is able to on occasion and that he holds onto a friend for support when he does. Mr H and Lloyds have also both confirmed that Mr H has attended a branch previously.

So, from this, I think it's reasonable for me to assume that Mr H, albeit with some inconvenience, was able to attend his local branch. And I can see he did attend in August. From what I'm able to understand, it seems as though Mr H attended branch without agreeing for his address to be changed so when he did attend, his PIN wasn't there to be transcribed onto a CD. And I can appreciate the upset and frustration this would've caused.

But as I can't see Mr H agreed to this temporary address change, I don't think I can say Lloyds acted unfairly as I wouldn't expect them to send the PIN to branch without this.

But as Mr H did attend branch, I'm satisfied this option is a reasonable alternative to Mr H, which will allow him to receive his PIN. While I appreciate it isn't Mr H's desired method of receiving his PIN, I don't think this means the option presented is evidence of Lloyds failing to make reasonable adjustments. Lloyds have confirmed that they want to ensure Mr H is in branch before transcribing the PIN in order to allow them to confirm Mr H's identity, to keep his account secure. As Lloyds have a duty to safeguard the security of Mr H's account, I

can't say this logic is unfair. And so, I don't think I can say they've done anything wrong for this aspect of the complaint.

But as I've referenced above, I the options would cause Mr H some inconvenience. And it isn't disputed by Lloyds that initially, they could've made these options clearer to Mr H. So, I think Lloyds acting unfairly in the way they initially communicated these options. And because of this, I've then thought about what I think Lloyds should do to put things right.

Putting things right

When deciding what Lloyds should do to put things right, any award or direction I make is intended to place Mr H back in the position he would've been, had Lloyds acted fairly in the first instance.

As I've explained above, I think Lloyds have made reasonable adjustments to their process to try and aide Mr H receiving his PIN in a format that is accessible to him. So, even if Lloyds had acted fairly, Mr H would've found himself in the same position of needing to attend his local branch for his PIN to be transcribed.

But had Lloyds acted fairly, I think this process, and Lloyds reasoning would've been explained more clearly. And I think this would've prevented Mr H from attending branch unnecessarily, which I appreciate would've been inconvenient. I also think this would've resulted in Mr H receiving the PIN sooner, so I think any compensation I award should take into account the length of time Mr H has been without a PIN for his account.

But I also need to take into account the fact Mr H hasn't ever attempted to provide authorisation for the PIN to be sent into branch. And that Mr H has other bank accounts and so, he hasn't been financially impacted by his inability to withdraw cash from an ATM as he has no PIN.

Lloyds initially offered Mr H £80. But since the complaint has been with our service, they've offered to pay Mr H a further £200, bringing the total compensatory amount to £280. I think this total compensation amount is a fair one, that falls in line with our services approach and what I would've directed had it not already been made. So, I think Lloyds should pay Mr H this amount.

I understand this isn't the outcome Mr H was hoping for. And I appreciate he has strong feelings regarding Lloyds actions and how they align with the Equality Act 2010, especially when the adjustments put in place by other banks are taken into consideration.

But as explained at the beginning of my decision, it doesn't necessarily follow that all banks need to make the same adjustments, or follow the same process, as their internal systems are likely to differ. And so, I don't think an increased payment needs to be made on this occasion.

My final decision

For the reasons outlined above, I uphold Mr H's complaint about Lloyds Bank PLC and I direct them to take the following action:

- Pay Mr H £280 to recognise the inconvenience he's been caused during the process of trying to obtain his pin. If part of this payment has already been made, ensure the remaining amount is paid so Mr H received the total compensation amount.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or

reject my decision before 15 September 2022.

Josh Haskey
Ombudsman