

The complaint

Mrs H says Bank of Scotland plc, trading as Halifax, treated her unfairly when she visited a branch to withdraw cash from her account. It's the second time she's complained about the member of staff in question.

What happened

Very briefly, in August 2021 while Mrs H was in-branch she felt she was discriminated against on the grounds of her age and ethnicity by a Halifax member of staff. I'll refer to the member of staff as 'L'.

Mrs H pointed out it was the second complaint she'd made about L, following an incident in 2018. As compensation on that occasion, Halifax agreed to pay Mrs H £75. For the events of 2021, Halifax apologised for not providing a better service and offered to pay her £30. It denied that it had discriminated against her but provided relevant feedback to L to prevent similar situations from recurring.

Unhappy with Halifax's response, Mrs H brought her complaint to this service. She said that if Halifax didn't move L from the branch in question, she'd look to move her money elsewhere.

One of our investigators looked into the complaint and couldn't identify any instances to indicate the poor service received was due to discrimination. In all, they believed an additional £120, on top of the £30 Halifax had already offered, would adequately compensate Mr H for the distress caused.

Halifax agreed to pay the additional £120 the investigator recommended, making a total of £150. Mrs H remained unhappy. She said, among other things, that the investigator hadn't taken various important factors into account in deciding the amount to be paid. For example, that this was the second incident involving L and that Halifax handled Mrs H's subsequent complaint poorly. Mrs H felt between £400 and £500 was commensurate with the degree of hurt and upset she'd suffered.

The complaint was passed to me to review afresh and, on considering all the evidence, I issued a provisional decision upholding the complaint in part. In summary, I didn't see enough evidence to indicate Mr H's ethnicity or age had played a part in Halifax's treatment of her. But I felt Halifax had nevertheless treated Mrs H poorly, both in-branch and during the complaint-handling process. As compensation for that, I asked Halifax to pay Mrs H £220 in addition to the £30 it had already offered, making a total payment of £250.

Although Halifax accepted my provisional decision, Mrs H didn't. She said that although Halifax denied discriminating against her, it had otherwise accepted (expressly or by implication) her account of the events. Mrs H said having an envelope thrown at her amounted to more than poor customer service, as I'd described in my provisional decision, and was '*conduct calculated to offend, humiliate and demean*'.

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've thought very carefully about the issues that I consider go to the heart of the complaint and, in particular, Mrs H's response to my provisional decision. I'd like to thank her for conveying how the actions of Halifax made her feel. It certainly wasn't my intention to underplay the impact on her.

As I said in my earlier decision, I'm sorry to hear that Mrs H is upset by the treatment she received initially from L and then subsequently from Halifax. I saw no objective evidence of what happened on the day in question, but Mrs H says, among other things, L spoke to her rudely and at one point threw an envelope at her. On complaining, Mrs H felt the branch manager lacked interest. As I also said in that decision, I'm not persuaded on balance that the evidence shows Halifax's treatment of her was due to her ethnicity or age. So, my view on that aspect of Mrs H's complaint remains unchanged.

Clearly, the parties' dealings didn't go as they should have in branch that day. Halifax has accepted that it provided Mrs H with poor service and that's why it offered £30 as compensation. Mrs H doesn't see it that way and believes what Halifax has done went beyond poor service. She feels those actions were calculated to be offensive, demeaning and humiliating. I understand that Mrs H feels that way and I think Halifax hasn't grasped how its actions have made her feel.

That said, I haven't seen any evidence to show L's actions, or those of Halifax subsequently, were *calculated* to have the impact on Mrs H that she says they did. Rather I think they handled the situation poorly and without being sensitive to Mrs H's feelings. L's behaviour, as described by Mrs H and to some extent accepted by Halifax, seems to me to have been motivated at least in part by their past dealings with Mrs H and was undoubtedly unprofessional. But I can't see that it was planned.

Mrs H asks if speaking rudely to a customer and throwing an envelope at them is considered standard practice by a bank employee. It isn't, of course, and that's why I think a higher compensatory award than previously offered by Halifax, or recommended by the investigator, is warranted in this case.

Deciding on awards for distress and inconvenience is seldom straightforward. The issues involved are subjective by their very nature and the impact on the consumer can be difficult to determine. With that in mind, I'm glad to see that Halifax dealt with the matter reasonably swiftly by apologising to Mrs H for the poor service received, in its letter of 1 September 2021, and offering compensation. But one of the areas in which I believe Halifax fell short was failing to adequately engage with the concerns Mrs H had raised around being discriminated against. This was clearly important to her and I don't believe Halifax's response was as clear as it could have been – which is why she queried this almost immediately.

I see that Halifax issued a further response on 27 September 2021 as a result. This time, it was more explicit about not upholding Mrs H's complaint about discrimination but upholding the aspect regarding the overall service it had provided. I'm satisfied that the delay in clarifying matters compounded the situation and caused Mrs H distress and inconvenience in addition to that already experienced.

In the circumstances, I don't think Halifax's offer of £30 – or the investigator's recommendation of a further £120 – sufficiently compensates Mrs H for the service she

received both in branch and after complaining about L (for a second time). But I remain of the view that an award in the region of £400 to £500, as suggested by Mrs H, isn't justified in the circumstances.

Putting things right

While I recognise Mrs H's strength of feeling on the matter, I still believe that Halifax should pay £220 in addition to the £30 it's already paid, making a total compensation figure of £250.

My final decision

For the reasons given, I require Bank of Scotland plc, trading as Halifax, to pay Mrs H £220 as compensation in addition to the £30 it's already paid her.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 20 October 2022.

Nimish Patel
Ombudsman