

## **The complaint**

Miss D complains about how she was treated by National Westminster Bank Plc (NatWest) when she went into branch to change the name on her credit card account.

## **What happened**

Miss D has had a credit card account with NatWest for a number of years. She says she contacted NatWest on the phone to change the name on the account, however it told her she would need to do this in branch.

Miss D then went into branch to change the name on her account and also tried to locate a dormant current account she says she had. Miss D says she provided the representative of NatWest with identification in order to carry out the name change. Upon doing this, the member of staff noted that Miss D's driving license stated that she was born in a different country and so she would also need to provide evidence of her right to reside in the UK.

Miss D says she was very upset by this and felt that she had been discriminated against by NatWest's staff member. She says this happened in the middle of a branch and in front of other customers. And she was left feeling humiliated and distressed.

After this, Miss D was taken into a private room by the branch manager. Miss D says the branch manager apologised for what had happened. They explained that the name on her account could have been changed without the evidence of her right to reside in the UK – this was only needed when opening a new account or taking out lending.

NatWest responded to Miss D's complaint and offered to pay her £200 to put things right. It said it recognised that it got things wrong and could have done more to help Miss D. Miss D didn't think the compensation NatWest had offered was enough to put things right for her and so she referred her complaint to this service.

Our Investigator looked into Miss D's complaint and they thought it should be upheld – and thought NatWest should pay Miss D £300 in total. The Investigator didn't think that NatWest had followed the correct process when explaining to Miss D the information it needed to change the name on the account. The Investigator also recognised the upset and distress that this had caused Miss D and so thought that £300 was a more appropriate amount to put things right.

NatWest agreed with the Investigator's view, but Miss D didn't.

In summary, Miss D explained that she had been discriminated against and NatWest needed to do more to put things right for her. She also provided information on how much the courts would settle this type of claim for – and so she thought NatWest should pay her somewhere in the region of £800-£8000.

Because Miss D didn't agree with the Investigator, the complaint has been passed to me to make a decision on the matter.

## **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 Miss D for providing the detail she has done in response to our Investigators view. I have read and taken into account everything that both parties have submitted, however, my findings will only address matters I consider central to the outcome of this complaint. So, I won't address every point that has been raised. I trust this won't be taken as a discourtesy, but this reflects the informal nature of our service. And, to be clear, I consider the crux of this complaint to be about the conduct of the representative in branch when Miss D went to change the name on her credit card account.

I'd like to make Miss D aware that this service is unable to make findings about whether discrimination has taken place as per the Equality Act 2010, as this is a matter of law and only the courts have the power to decide this. I have, however, considered the relevant law in relation to what Miss D has said when deciding whether I think NatWest has acted in a fair and reasonable manner. This involves taking a number of different things into consideration, including the provisions of The Equality Act 2010.

NatWest has already accepted that it didn't provide Miss D with a good level of service when she went into branch to change the name on her account. Based on what I've seen, both parties largely agree on what happened in branch. Although, Miss D believes she was deliberately discriminated against, and NatWest believes that its representative made a mistake.

It isn't in dispute that Miss D was asked to provide more information than she needed to in order to change the name on her account – and she was asked to provide this extra information as a result of her nationality which was visible from her driving licence. So, I can understand why Miss D felt she had been treated unfairly as a result of her nationality.

NatWest has said that its staff member made a mistake in asking for this when Miss D was only asking for the name on the account to be changed. It has said that there are circumstances in which it might request this type of information, but it didn't need this to make a change to the account name.

Unfortunately, NatWest's actions here have caused Miss D a lot of distress and upset. Especially given that this information was requested in a public place while she was in branch.

NatWest responded to this at the time by taking Miss D to a private room, apologised for the upset it had caused her, and carried out the process of changing the name of her account.

Overall, I agree that NatWest's actions caused Miss D unnecessary upset. And I think NatWest should do more to put things right for Miss D.

## **Putting things right**

I have thought about what happened here very carefully when deciding appropriate redress. And I think £300 is fair and reasonable in the circumstances here. I have no doubt that Miss D was very upset about what happened. However, I also think NatWest did what it could to try and put things right at the time. For example, Miss D wasn't denied the service she'd requested, and did get the name on her account changed while she was still in branch.

Miss D has sent this service a document which provides context to how much compensation the courts would award if it were to find that discrimination had occurred. I don't doubt that the courts would take this into account when deciding how much to award. But this service is a free alternative to the courts, and we consider compensation awards differently – more information about how we look at distress and inconvenience payments is on our website.

Miss D can of course take her complaint to the court if she does want a higher compensation amount. However, any court action would likely incur other costs that Miss D would need to consider before proceeding.

### **My final decision**

For the reasons set out above, I uphold Miss D's complaint. I order National Westminster Bank Plc to pay Miss D a total of £300.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss D to accept or reject my decision before 29 December 2022.

Sophie Wilkinson  
**Ombudsman**