

The complaint

Mr S has complained that Barclays Bank UK PLC treated him unfairly by not accepting a Biometric Residents Permit (BRP) as identification. As a result, Mr S feels he has been discriminated against.

What happened

The details of the complaint are well known to both parties, so I will not repeat them again here. Instead, I will focus on giving the reasons for my 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.

I issued my provisional findings on 1 December 2022, where I said the following:

“On 20 March 2022, Mr S made a transaction for £979 which was flagged by Barclays' fraud detection system. Mr S was asked to verify this by visiting branch with his ID. While I appreciate the inconvenience this caused Mr S, I don't think Barclays acted unfairly regarding this as its terms and conditions allow it to block certain transactions and Mr S would have agreed to these terms when he opened the account.

However, when Mr S tried to verify the transaction, he was told his BRP couldn't be used as an acceptable form of identification. As a result, Mr S felt he had been discriminated against on the grounds of his race. I must highlight that it is not my role to decide if the Equality Act has been breached as that's for a court to decide. However, I've looked at whether Mr S was treated fairly.

The Home Office's guidance about BRPs, says:

“The biometric residence permit is proof of the holder's right to stay, work or study in the UK. It can also be used as a form of identification (for example, if they wish to open a bank account in the UK).”

The guidance also says that BRP's contain a highly secure embedded chip and incorporate sophisticated security safeguards to combat fraud and tampering. They provide evidence of the holder's nationality, and their immigration status in the UK. They contain the holder's unique biometric identifiers (fingerprints, digital photo) within the chip, are highly resistant to forgery and counterfeiting, display a photo and biographical information on the face of the document and details of entitlements, such as access to work and/or public funds.

I have gone on to consider why Barclays refused to accept the BRP as suitable identification. Barclays said:

“We can accept multiple different types of identification however we do empower our colleagues to make a judgement based on what is provided”.

As part of my investigation, I asked Barclays to provide more detail about its policy on identification documentation and its decision not to accept the BRP in this case.

It elaborated slightly and said its staff are empowered to make a decision based on the information they have available, and the documents provided at the time. And due to the block placed on the account its staff member didn't feel comfortable removing it.

I have also reviewed the information on Barclays' website. On several occasions Barclays refer to BRP's being a suitable form of identification to open an account. That said, I find it quite contradictory that Barclays are satisfied a BRP is suitable identification to open an account, but not to verify a transaction on an account. And given that Barclays' explanation as to why the BRP wasn't accepted seems to be down to discretion, I don't think this was a fair or reasonable decision, especially given that Home Office explanation seems to suggest that a BRP is more secure than some other forms of identification.

As I'm minded to say Barclays treated Mr S unfairly, I next had to decide what impact their actions had on Mr S. I have specifically considered his time spent travelling to and from branch, and the inconvenience this caused him. I've also had to place weight on what Mr S has told us about his past trauma related to his refugee status, and how Barclays' actions compounded how he already felt. As such, I intend to say Barclays should pay Mr S £350 for the distress and inconvenience it caused."

Both parties responded and accepted my provisional findings. As such my decision remains unchanged from the provisional decision.

Putting things right

I require Barclays Bank UK PLC pay Mr S £350 for the distress and inconvenience it caused.

My final decision

My final decision is that I uphold this complaint and require Barclays Bank UK PLC to pay Mr S £350 for the distress and inconvenience it caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 17 January 2023.

Jade Rowe
Ombudsman