

The complaint

Ms D complains Bank of Scotland plc trading as Lloyds Bank incorrectly played a recorded message that accused her of being an abusive caller, and suggested her account was at risk of being closed.

What happened

The details of this complaint are well known to both parties, so I won't repeat them again here. The facts are not in dispute, so I'll 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.

Having considered everything, I agree with the conclusions reached by our investigator for these reasons:

- Lloyds has told Ms D and our Service that human error caused her call to be diverted to a line in which a message was played that suggested she had been demonstrating unacceptable behaviours. Unfortunately, Lloyds have been unable to send us a recording of this message. This means I've been unable to hear the tone in which the message was read out. However, Ms D has explained the tone was sufficiently serious for her to believe her account was at risk of being closed. Ms D's testimony has been consistent with Lloyds and our Service, so I have no reason to disbelieve what she's said about the tone of this message.
- While I've been unable to hear the recording myself, I have seen a script of what she heard. This script suggested Lloyds would be reviewing her previous call to them and this could result in her account being closed. Given what Ms D would have heard, I don't consider it's unreasonable that she would have found the message very distressing, or that it impacted the way she felt she could use her account. And having listened to Ms D's calls with Lloyds, I'm satisfied she remained courteous – even when there were problems hearing one of the advisers. So, I also understand her strength of feeling about the playing of this message being unwarranted. Because of this, it's only appropriate Lloyds does something to put things right.

- After hearing the message, Ms D called Lloyds again and explained what had happened to a different adviser. I consider the adviser she spoke to was empathetic and took Ms D's concerns seriously. I was pleased to hear this adviser proactively apologise for what had happened, ensure Ms D was aware she was taking extensive notes of her concerns, arranged for a manager to listen to the previous call while Ms D was on the phone, and confirmed Ms D's account wouldn't be closed. This is what I would have expected Lloyds to do in the circumstances.
- Lloyds issued their final response eight days after the incident Ms D has complained about. Businesses have up to eight weeks to respond to a complaint, so I'm persuaded Lloyds' swift investigation demonstrates they took Ms D's concerns seriously. Ms D has been open with Lloyds and our Service about the impact this mistake had on her health. So, I consider dealing with her complaint within this quicker timeframe was the right thing to do.
- Lloyds offered Ms D £200 in recognition of the serious distress they caused. Ms D has said this amount isn't enough to recognise the impact. She's said it caused her mental health to deteriorate and made her lose confidence in calling Lloyds in the future or using her account. Because of this, Ms D says she's been doing more spending on her credit card to reduce her interaction with Lloyds to prevent something like this happening again.
- I am very sorry to hear how Lloyds' mistake has impacted Ms D's health. I'm also sorry to see she's lost confidence in using their banking facilities. But while I consider she should be compensated; I can't agree £200 isn't a fair award in the circumstances. Lloyds told Ms D her account wouldn't be closed on the day she heard the message. They also explained they'd made a mistake just over a week later. So, I'm satisfied they addressed her concerns in a relatively short timeframe. If it weren't for the level of impact Ms D has described to us, I may have suggested a lower award for a similar incident addressed over that period of time. However, the impact on Ms D's health is why I consider £200 is a fair and reasonable amount to resolve her complaint.

I know this isn't the outcome Ms D hoped for, but for the reasons above, I won't be asking Lloyds to increase their offer.

My final decision

My decision is that I'm upholding Ms D's complaint about Bank of Scotland plc trading as Lloyds Bank.

Bank of Scotland plc trading as Lloyds Bank has already offered £200 to settle the complaint and I think this offer is fair in all the circumstances.

So, my decision is that Bank of Scotland plc trading as Lloyds Bank should pay £200.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms D to accept or reject my decision before 10 February 2023.

Sarrah Turay
Ombudsman