

The complaint

Mr S complains about the service he received from National Westminster Bank Plc (NatWest) while he was trying to change bank notes in branch.

What happened

I previously issued a provisional decision on this case. It was my intention to come to a different outcome to the Investigator and so I wanted to give both parties the chance to respond with any additional information they wanted me to take into account before I came to my final decision on the matter.

I have copied my provisional decision below, which also forms part of this final decision.

“Mr S has a current account with NatWest and went into his normal branch to change some old bank notes for new ones.

Mr S spoke to three separate members of staff about carrying out the exchange – he says two of them started to process the transaction and declined to continue. And one member of staff couldn't help because he said he didn't normally work at that branch.

Mr S says that while he was at the front desk with the three members of staff, one of the branch staff told him that his son had been in the previous day to carry out the same transaction. Mr S says that his son doesn't live near him and hadn't been in branch the previous day. He says he felt the staff member made the association between him and the other customer because of the colour of his skin.

Mr S is also unhappy that he was publicly provided with information about another customer. He said even if it had been his son who had been in branch the previous day, NatWest's staff shouldn't have disclosed this information to him.

NatWest responded to Mr S's complaint and upheld it in part. It said that its branch staff needed to process the exchange of notes through Mr S's bank account, so it didn't think the staff members did anything wrong in declining to process the transaction – given that Mr S didn't want the transfer to go through his account. However, it agreed that the service Mr S had received in branch had been 'very poor' and so offered to pay him £75 to apologise.

Unhappy with NatWest's response, Mr S complained to this service. He told us that since this incident, he has felt very anxious about going back to that branch – and he now travels further to a different branch to carry out his banking activities.

To put things right, Mr S would like NatWest to pay him more compensation and stop identifying customers and their relationships based on their race. He wants this service to fine NatWest so that training and procedures are put in place. And he wants this complaint to be made public to NatWest's customers.

Our Investigator looked into Mr S's complaint, but they didn't uphold it. The Investigator agreed that NatWest had made some failings in terms of the service it provided, however,

they felt that the £75 compensation already offered to Mr S was enough to put things right.

Mr S didn't agree with the Investigator's view. He said that the staff member who made the association between him and another customer didn't know his name, or his son's name. And so the presumption must have been made based solely on race. He adds that in any event, none of this should have been disclosed in an open space in branch. Mr S reiterated the intimidation he felt on that day, adding that he felt threatened, abused and insulted. He said that he felt NatWest were making manoeuvres intended to be restrictive and defensive of his request to change the old notes to new ones.

Because Mr S didn't agree with the Investigator, the case has been passed to me to decide on the matter.

What I've provisionally 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 Mr S for providing the detail he has done in response to our Investigator's 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.

I'll firstly start by addressing Mr S's concerns relating to the transaction he tried to complete in branch. I have seen NatWest's internal procedures about changing notes. Where the amount to be changed is more than £250, the transaction needs to be processed through the customer's account - so the old notes would need to be credited to the account, and the new notes debited from the account. I can understand that it must be frustrating from Mr S's point of view that the information he was given in branch wasn't consistent. But based on what I've seen, I think NatWest followed its process here, and treated Mr S in the same way it would any other customer in the same situation.

I'll now turn to the remarks made by a member of staff in branch. But before I do that, I'd like to make Mr S 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 Mr S 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 Mr S with a good level of service when he went into branch to change the notes. So, it's now for me to decide if the £75 compensation it has already offered Mr S for this is sufficient. And based on what I've seen so far, I don't think it is.

Mr S believes the only reason the member of staff made the presumption that another customer was his son, is because of the colour of his skin. I have seen testimony from the staff member that states Mr S was asked if his son had come in the previous day because the transaction being completed was similar to the transaction Mr S was attempting and the other customer shared the same name as Mr S. The staff member added that Mr S is a regular customer at the bank and known by several members of staff.

While it might not have been the intention of NatWest's staff to offend Mr S, I can understand from Mr S's point of view why he has been made to feel upset by what happened. Mr S says

this information was asked of him while he was confronted by three members of staff in branch – and not in a private place. And I don't find that it was necessary or relevant of NatWest to know the answer to this question in order to help Mr S with the transaction.

I have also noted Mr S's concerns in relation to information he was given about another customer who had come in to do a similar transaction on the previous day. While I can understand why Mr S would find this concerning, this information didn't relate to him, and so I don't find that he has been personally impacted by this. In any event, based on what Mr S has told us, the only information he was given about this person was that they were in branch the previous day, and that they carried out a similar transaction.

When considering the impact on this case, I think Mr S's distress was exacerbated by a reasonably held belief that NatWest made an assumption based on his race. So, I do think NatWest needs to do more to put things right for Mr S. NatWest has agreed that its service was, in its own words 'very poor'. And as a result of this service, Mr S has been left feeling anxious and no longer comfortable going to the branch where NatWest has confirmed he was a regular customer. Because of this, he now travels much further to a different branch. I'm minded asking NatWest to increase its compensation to £300."

NatWest responded to say it had no further comments, and it agreed to the increase in compensation.

Mr S responded with some comments he wanted me to consider. I have summarised the main points below:

- Mr S reiterated that he found the comment from the staff member 'disturbing'. He said this could have created a misunderstanding between him and his son.
- NatWest breached data protection laws by disclosing someone else's personal information to him.
- Mr S felt that what happened in branch was insulting and shameful as attention was drawn to him and gave the impression that he was carrying out a dubious or suspicious activity.
- The first member of staff he spoke to should have given him the correct information regarding the process to change old bank notes.

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 available to me again, I will still be upholding Mr S's complaint, for the same reasons as outlined in my provisional decision.

I have taken into account Mr S's comments, however, I still feel the £300 award is a fair way to settle things in this case. Much of what Mr S has said in response to the provisional decision is a reiteration of points he had made previously – and all points I thought about when coming to my provisional decision.

I know Mr S feels very strongly about what happened in branch that day. And I think this is understandable. In reaching this decision, I don't want to in anyway downplay or disregard what happened to Mr S, or how he felt about the matter. But being independent means, I have to look at all the evidence available to me – and take a step back to decide on a fair and reasonable resolution. And for the reasons I've already explained in my provisional decision, I think an increase in award to £300 is fair in this case.

Putting things right

NatWest should put things right by paying Mr S £300 for the distress its actions caused.

My final decision

For the reasons set out above, it is my decision to uphold Mr S's complaint. I order National Westminster Bank Plc to put things right for Mr S by doing what I've said above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 6 March 2023.

Sophie Wilkinson
Ombudsman