

The complaint

Mr W is complaining that Lloyds Bank PLC asked him to contact them over the phone when he's unable to.

What happened

Mr W has a medical condition which means he's unable to speak on the phone. He's previously let Lloyds know about this.

Mr W contacted Lloyds via their online chat function to cancel a subscription payment. He initially chatted with the virtual assistant, but was then transferred to an adviser. The adviser told Mr W they couldn't cancel the subscription payment over the chat function as they couldn't see his complete debit card number, and asked him to contact them by phone to confirm it.

Later in the same day Mr W contacted Lloyds again through the online chat function and explained he wanted to make a complaint. He was transferred to a different adviser who apologised for their colleague asking him to make a call, and told him how to cancel the subscription payment through mobile banking.

Mr W complained to Lloyds. He said, in summary, that Lloyds were aware that he's unable to speak on the phone and it had distressed him to be asked to do so. He said that Lloyds had discriminated against him and breached the Equality Act 2010 by asking him to call them.

Lloyds sent their final response letter on 27 October 2022. They paid Mr W £10 in compensation, because there was a system problem which had led to the adviser being unable to see his full debit card number. They didn't offer him any compensation for asking him to call them.

An investigator looked at Mr W's complaint. He thought Lloyds should pay another £30 in compensation. Lloyds agreed. But Mr W thought Lloyds should pay him £500 in compensation. Because he didn't agree with the investigator's view, his complaint's been passed to me for review and a 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 done so, I think the compensation amount recommended by the investigator is fair. I'll explain why.

I understand Mr W finds it distressing to be asked for phone contact. I can see that Lloyds does have a record of his individual needs logged on their system. But in this case, it seems the adviser he spoke to on the virtual chat either wasn't aware of or didn't take account of his needs at the time they suggested that he call them.

I am glad to see the second adviser involved in the conversation passed on an alternative means of cancelling the subscription, so Mr W didn't need to speak to Lloyds on the phone to do so. But I agree with the investigator that Lloyds should pay some more compensation for Mr W being asked to make a call, as it seems the first adviser did have access to Mr W's records during the conversation and his individual needs were recorded.

Mr W has complained that Lloyds has breached the Equality Act 2010 by failing to make the reasonable adjustments he's asked for. I've taken the Equality Act 2010 into account when deciding this complaint – given that it's relevant law – but I've ultimately decided this complaint based on what's fair and reasonable. If Mr W wants a decision that Lloyds has breached the Equality Act 2010, then he'd need to go to Court.

Taking into account the overall impact this had on Mr W, and bearing in mind the second adviser did apologise and provide an alternative solution to a phone call later in the same day, I think an additional £30 compensation is fair and reasonable in these circumstances.

My final decision

My final decision is that I'm upholding Mr W's complaint. Lloyds Bank PLC should pay Mr W £30.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 24 June 2023.

Helen Sutcliffe
Ombudsman