

The complaint

Mr M complains Cambridge Building Society didn't have arrangements in place to accommodate his hearing needs when he wanted to apply for a mortgage. He complains that he's lost out as a result.

What happened

Mr M and his wife are hard of hearing and until recently lived in rented accommodation. In addition, they shielded until the summer of 2022 as they were at heightened risk of Covid.

In February 2022 Mr M emailed Cambridge to explore the possibility of taking out a mortgage with them. He explained he had hearing problems and was shielding and said he wanted to know whether or not Cambridge would accept a mortgage application using Relay UK. Cambridge said that all of its appointments had to be via telephone or face to face, and that it was speaking to its regulators about using video appointments in the future, and that this was presenting some hurdles. In the meantime, Cambridge gave Mr M details of brokers who would be able to help and offered to send a list of intermediaries they used. Mr M says he emailed Cambridge back and then had to chase for a response.

Mr M emailed Cambridge again in May 2022 to ask what progress Cambridge had made towards accepting mortgage applications using Relay UK. Cambridge emailed Mr M back to say it hadn't progressed with it at that stage.

Mr M emailed Cambridge again in June 2022 to say that his hearing had improved, and he'd obtained an amplified phone, so an application by phone might be possible. He asked whether or not it would be possible to arrange an appointment that day. Cambridge emailed Mr M back to say that the earliest appointment it could offer would be a week later. Mr M said that as Cambridge couldn't offer an appointment that day it wouldn't be following up with them.

Mr M complained in August 2022 saying that he hadn't been able to apply for a mortgage from Cambridge because of his hearing problems, and that meant he'd lost out because it looked like he would have been eligible for one.

Cambridge investigated Mr M's complaint and said that before implementing Relay UK due diligence was needed and that at that time it didn't have the resources for this as it was engaged in a complex internal core system change. Cambridge also said that this was the first such request it had received. Cambridge said that it had included Mr M's suggestion for future service improvements.

Mr M was unhappy with Cambridge's response. He complained to us saying that had he been able to apply earlier he would have been able to get a mortgage before interest rates had started to increase. In other words, he said that he was worse off because Cambridge hadn't made reasonable adjustments for him. He was unhappy that Cambridge didn't have the option of using Relay UK in place when he originally contacted it and said that its final response showed that this wasn't even a priority for them. He was also unhappy that Cambridge had asked him for documents in advance that it wouldn't normally ask someone

who is having a telephone interview. He thought that this was discriminatory. Mr M has told us that he's had to move into temporary accommodation whilst looking for somewhere to rent long-term and that this has had a significant impact on him and his wife.

One of our investigators looked into Mr M's complaint and said that they thought Cambridge didn't need to do more. Mr M didn't agree with our investigator's recommendations and asked for his complaint to be referred to an ombudsman. So, his complaint was referred to me.

Last month I issued a provisional decision saying that I was minded to uphold this complaint for the reasons set out in that provisional decision and require Cambridge to pay Mr M £350 in compensation. I invited both parties to respond to my provisional decision. Mr M was happy to accept my provisional decision if it was my final decision and asked us to let him know if Cambridge disagreed in which case he'd reconsider. Cambridge said that it was going to comment on my provisional decision, but it didn't ultimately do so.

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.

In my provisional decision I said that I accepted that Mr M has hearing difficulties – so does his wife – which means phones aren't easy for him. And I also said that I accepted that they were both extremely careful during the pandemic and carried on shielding until the summer of 2022. And that this meant visiting a branch to apply for a mortgage wasn't an option in early 2022 – and that applying by phone wasn't really either.

In my provisional decision I said that I could see that Mr M contacted Cambridge in February 2022 by email to check whether or not he could apply for a mortgage using Relay UK. I said that Cambridge explained that this wasn't an option it had in place at the time but said that it would look into this. And I also said that I agreed with Mr M that this is something that Cambridge should have given some thought to beforehand – the duty to make reasonable adjustments is, after all, an anticipatory duty. So, I said that this must have been disappointing.

In my provisional decision I said that I could also understand why Mr M was really disappointed that when he contacted Cambridge again in May 2022 that Cambridge said that it hadn't made any progress. I said I could see Cambridge had been giving video appointments thought – although I noted that as Mr M had pointed out video appointments would only help people able to lip-read, Relay UK is a different service – and that this had regulatory implications. I said I could see too in its final response that Cambridge had said that it didn't have the resources at that time as it was engaged in a complex internal core system change. And I said that I appreciated that these are relevant considerations, but that I could see why these explanations were even more disappointing. I said that because they suggested that Cambridge – despite Mr M acknowledging how helpful its staff were – wasn't taking his needs as seriously as it could or should have done.

In my provisional decision I said that both parties had sent us the emails they'd exchanged between February and March 2022 – when Mr M first spoke to Cambridge about the possibility of applying for a mortgage using Relay UK – and in May, June, and August 2022. I said I could see from those emails that the staff that Mr M spoke to were very helpful – and that Mr M had confirmed this himself – and that they had answered lots of questions Mr M had so he could work out whether or not it would be worth applying for a mortgage from Cambridge. I said I could also see that Cambridge had suggested two other alternative ways of applying – using secure email or, given that Mr M had mentioned he'd just bought a highly

amplified phone, giving that a go. I noted that this was indeed a suggestion that Mr M made in June 2022. I said that Mr M didn't go ahead with the application at that stage as he needed an appointment that day, and that the earliest one available was a week later. And I also said, from what I've seen, that it appeared that Mr M had decided to apply elsewhere, and the lender they'd approached withdrew their fixed rate only a few hours before their appointment. At that point, time was running out for Mr M as they needed a mortgage urgently.

In my provisional decision I said that in this case, given what I'd said above, that whilst I agreed that it would have been disappointing that Cambridge didn't have Relay UK in place in February 2022, I did think Cambridge tried to help Mr M as much as it could – including answering as many of his questions as it could and exploring alternative options with him. I said I did think Cambridge could have done more to show that it took Mr M's case seriously, but I didn't think it was unreasonable of Cambridge not to be able to offer a same day appointment or that the urgency with which Mr M needed to get an appointment is something that it would be fair to hold Cambridge liable for.

Putting things right

In my provisional decision I said that I didn't entirely agree with our investigator that Cambridge had done anything wrong in this case. I said that Mr M wasn't asking for a video appointment – so it appears Cambridge misunderstood what Mr M needed when it explained that it was investigating the regulatory implications, in a way that would reasonably have left Mr M feeling disappointed. And I also said that I did think Cambridge's final response would reasonably have left Mr M feeling his disability wasn't considered important. In short, I said that I could see why Mr M was upset and distressed by Cambridge's response overall. I remain of that view and remain of the view that this complaint should be upheld, and that Cambridge should pay Mr M £350 in compensation for the upset and distress caused.

My final decision

My final decision is I'm upholding this complaint and I'm requiring Cambridge Building Society to pay Mr M £350 in compensation as an apology for the distress he's been caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 1 June 2023.

Nicolas Atkinson
Ombudsman