

The complaint

Ms D complains National Westminster Bank Plc discriminated against her when she tried to change her mobile phone number, and when it said it couldn't stop some departments from calling her.

What happened

Ms D has a credit card issued by NatWest. Ms D is deaf, has a mobile phone (which she uses, for example, to receive one-time passcodes) and is happy to communicate by email.

In November 2022 Ms D phoned NatWest using BT's Relay UK service to change her mobile phone number. She says a call that would have taken anyone else between 5 to 10 minutes ended up taking her 50 minutes – and, because of the stress involved – caused her to effectively have a panic attack.

Ms D says she subsequently received calls from NatWest on her mobile phone – despite having made it clear that she was deaf and shouldn't be receiving calls.

Ms D complained to NatWest. NatWest looked into her complaints and said that it accepted its agents had made several mistakes when she tried to change her mobile phone number. NatWest apologised and initially offered £20 in compensation, and then offered an additional £150. NatWest also said that it had updated its records about Ms D's telephone preferences, but that it was up to individual departments to decide how they contact customers – a block couldn't be placed on all calls. Ms D was very unhappy with NatWest's response and complained to us saying that the compensation she should be awarded should be in line with the Vento guidelines. She said that her complaint involved multiple acts of discrimination and that the County Courts award around £1,600 for the smallest amounts of discrimination.

Following the involvement of one of our investigators, NatWest offered an additional £150 in compensation. Our investigator thought £320 in compensation – the amount NatWest had by then offered – was fair and reasonable. So, that's what they recommended NatWest pay. Our investigator said that NatWest had processes in place that its staff were meant to follow when Relay UK calls were received. NatWest accepted our investigator's recommendation. Ms D didn't. She said that the fact that NatWest's staff had made errors didn't mean she hadn't been discriminated against as NatWest was required to make sure its staff are also properly trained. And she also said she was worried that there was no system to track issues across banking services. She said she was working on the belief that we should be able to insist on NatWest updating its training and considering alternatives for disabled customers. Ms D asked for her complaint to be referred to an ombudsman. So, it was passed to me.

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.

Ms D has complained that NatWest has failed to make reasonable adjustments and has discriminated against her. In other words, has failed their duty to make reasonable

adjustments under the Equality Act 2010, amongst other things. 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 Ms D wants a decision that NatWest has breached the Equality Act 2010, then she'd need to go to Court. Because I've decided this complaint based on what's fair and reasonable – and not what a Court would likely decide if Ms D was to make a claim under the Equality Act 2020 – I've not thought about what award would likely be made under the Vento guidelines. I've thought about our service's approach to awards, details of which are published on our website.

In this case, everyone agrees that the call Ms D made to NatWest in November 2022 didn't go as well as it should have done. I also accept that Ms D spent almost an hour updating her mobile phone number when it would have taken a customer who didn't have a disability more like 5 to 10 minutes as a result. And I accept that the call caused Ms D considerable frustration and distress. And although NatWest made changes to Ms D's profile to stop her receiving certain calls – for example, marketing – I accept that it must be very frustrating for Ms D that NatWest said it couldn't stop them entirely.

Putting things right

I agree with our investigator, given everything I've just said, that £320 in compensation for the distress and inconvenience that Ms D has been caused is a fair outcome. So that's the award I'm going to make.

This decision will be published, and we do gather insight from the complaints we see and feed that back to businesses and other stakeholders, including the Financial Conduct Authority (“**FCA**”) and the Equality and Human Rights Commission (“**EHRC**”). I hope that answers some of Ms D's other questions about wider issues she's raised.

My final decision

My final decision is that I'm upholding this complaint and requiring National Westminster Bank Plc to pay Ms D £320 in compensation in full and final settlement.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms D to accept or reject my decision before 15 November 2023.

Nicolas Atkinson
Ombudsman