

The complaint

Miss A complains that Santander UK Plc isn't providing her with the support she needs given her disability.

What happened

Miss A has explained that she suffers from long Covid and struggles to remember her PIN for her card. This has meant she has needed to request new PINs and has struggled to use her card while out and needed to return home for cash. Miss A says that another bank has provided her with a card that doesn't have a PIN and instead she signs for her purchases. She thinks that Santander should provide her with the same facility or something similar that would allow her to use her card without the need for remembering a PIN.

Santander issued a final response letter dated 28 September 2022. It said that it didn't have facilities that would bypass the card PIN but said that the PIN can be reviewed on the Online Banking App. It acknowledged the inconvenience of visiting a branch but said that staff would be able to assist with transactions and explained the available banking platforms. It also said that Miss A could add someone to her account as a trustee.

Miss A wasn't satisfied with Santander's response. She said that solutions offered involving remembering other passcodes and passwords just gave rise to the same issues she was complaining about. She said she had visited a branch, but this was a long journey and she had to spend a long time in branch which was exhausting.

Our investigator didn't uphold this complaint. He said that Santander had outlined ways Miss A could retrieve her PIN but noted these may not be suitable. He noted there were other options available such as contactless or paying with a smartphone and said that as Santander had explained it wasn't able to provide a card that didn't have a PIN he thought the alternative solutions offered were reasonable.

Miss A said she had previously experienced fraud on her account and so wouldn't use online banking and that she didn't have a smartphone. She said she was being discriminated against as she wasn't being provided a service that she needed given her disability and reiterated that another bank had provided a reasonable solution.

This case was passed to an ombudsman for a decision. Following this, further questions were put to Santander, and it responded to say that if a chip and PIN card isn't suitable for a customer there is the option of a chip and signature card. It also noted that Miss A could register for voice ID for telephone banking which would mean no PIN was required.

Miss A said she would like to have a chip and signature card on her account and said she should have been offered this sooner. She thought she should be paid compensation as her request wasn't an unreasonable one. She explained she has been able to register for voice ID but that it was very sensitive and didn't work if she had a cough or chest infection, which given her condition was a significant issue and meant she couldn't always use this.

My provisional conclusions

I issued a provisional decision on this complaint, the content of which is set out below.

I am sorry to hear of the health issues Miss A is experiencing and I can understand how upsetting it must be to have to struggle with memory loss. I appreciate that remembering a PIN causes her issues and I do not underestimate the frustration she must feel when trying to make purchases and the embarrassment this can cause if she is unable to continue with her purchase. For me to uphold this complaint I would need to be satisfied that Santander had done something wrong or not treated her fairly.

I note Miss A has said she feels Santander has discriminated against her. While we take any allegation of discrimination seriously, I should first explain that we are an informal dispute resolution service, meaning we don't have the power to decide whether or not Santander is in breach of the Equality Act 2010, as only a court has the power to do this. What we can do is take relevant law and regulation into account when deciding what's fair and reasonable in the circumstances of a complaint.

In this case Miss A explained her situation to Santander and it provided her with alternative ways of accessing her PIN. However, these weren't suitable for her. Santander issued a final response letter in September 2022 saying that it didn't have facilities that would bypass the PIN – a point it made on other occasions in response to this investigation. However, after further questions were raised, Santander said that there was an option of a chip and signature card for customers for whom a chip and PIN wasn't suitable.

Miss A had been asking for a card where she could sign for purchases rather than have to remember a PIN and had made it clear to Santander why this was needed. Therefore, I find that Santander should have offered Miss A the chip and signature card when she first raised this issue. We have explained this option to Miss A and she has said that she would like to have this set up on her account. Given this I find it reasonable that Santander should work with Miss A to set this up on her account.

Miss A has been caused unnecessary distress and inconvenience as the offer of the chip and signature account wasn't made when she first explained her circumstances. Santander continued to say there was no way to bypass the PIN which now appears to be incorrect. Had Miss A been offered the chip and signature account when she first raised her complaint, this issue is likely to have been resolved and she would have been prevented further inconvenience, embarrassment and distress. Because of this I find that Santander should pay Miss A compensation.

In assessing compensation, I have taken into account the time Miss A has spent on this issue and the delay in Santander saying a chip and signature account is available as well as the upset and distress the issue has caused her. Against this I have also considered that Santander did offer other alternatives and that Miss A did have another card provided from another finance provider that she could use. Based on this I think compensation of £750 is reasonable in this case.

Santander had previously explained that Miss A could register for voice ID which would mean she didn't need to use a PIN for telephone banking. I appreciate that Miss A experienced issues setting this up but has now been able to do so. I note Miss A's comments about the sensitivity of the system and why this is a particular issue to her. But I also accept the system will need to be sensitive to ensure its security. So, while I note the comment Miss A has made about voice ID I do not require Santander to pay any further compensation in regard to this aspect of the complaint.

Miss A said that a key point hadn't been addressed in my provisional decision. That is that Santander had previously offered a chip and sign facility to all customers prior to the current chip and sign service and so she wasn't asking for a new service to be provided and her request should never have been refused. She said that had she not had use of another credit card then she wouldn't have been able to live independently or conduct basic living tasks. She said that using her credit card caused inconvenience and that she took offence at Santander's statement that she could add a trustee to her account. Given the issues she thought she should be paid £850 compensation.

Santander accepted my provisional decision and said feedback would be provided. It apologised for the delay and the upset it had caused to Miss A. It said its Specialist Support Team had been asked to order the card for Miss A, but it had confirmed that this process can only take place over the phone or via a branch and asked that we make Miss A aware of this.

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.

I understand how upsetting Miss A's experience has been and I do not underestimate the frustration, upset and embarrassment she has experienced when not being able to complete purchases due to not being able to remember her PIN. As I set out in my provisional decision, we don't have the power to decide whether or not Santander is in breach of the Equality Act 2010, as only a court has the power to do this. But I have taken the relevant law and regulation into account when deciding what's fair and reasonable in the circumstances of this complaint.

Miss A's complaint was that she wasn't provided with a card where she could sign for purchases rather than have to remember a PIN. Santander has said this option is available and Miss A has said that she would like to have this set up on her account. I note Santander's comment that this can only happen over the phone or in branch and so the next steps are for Miss A to contact Santander and I would then expect it to take the required action to make this operational for Miss A.

Miss A has said the option of a chip and sign account was previously available and so she wasn't asking for a new service. I note the point made but I do not find that this changes my decision as I considered that Miss A wasn't provided with a service that was available when she requested it and was provided incorrect information about this.

As I explained in my provisional decision, there were unnecessary delays in the offer of the chip and signature account being made which meant that Miss A had an extended period during which she suffered inconvenience, distress and embarrassment. I understand Miss A's comment that had she not had the use of a credit card she wouldn't have been able to continue with her day-to-day tasks, but I can only consider what happened in this complaint rather than what might have happened if her situation had been different.

I understand that Miss A feels compensation of £850 should be paid. I note the offence she was caused by being told she could have a trustee added to her account and while I understand why this was upsetting, I accept Santander were trying to assist Miss A. I have also considered Miss A's comment about the inconvenience caused by using her credit card which appears to relate to making her payments on the card. However, taking all of the above into account, I find that compensation of £750 is reasonable in this case. As I set out in my provisional decision this amount reflects the upset and inconvenience caused by the delay in the chip and signature card being offered and the time Miss A has spent dealing

with this issue.

Putting things right

Santander UK Plc should work with Miss A to set up a chip and signature card on her account. It has explained that this can only happen over the phone or in branch so Miss A should contact it about this, and Santander should then take the required action to make this operational for Miss A.

Santander should also pay Miss A £750 compensation for the distress and inconvenience she has been caused.

My final decision

My final decision is that I uphold this complaint. Santander UK Plc should take the actions set out above in resolution of this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss A to accept or reject my decision before 7 November 2023.

Jane Archer
Ombudsman