

## **The complaint**

Ms Y complains that Bank of Scotland plc trading as Halifax has discriminated against her because of her disability

## **What happened**

In 2020 Ms Y said she told Halifax that she had been diagnosed with dyslexia and dyspraxia and has mobility restrictions. She said that Halifax agreed to put notes on its system that she may require extra support including clarifications, information repeated and numbers read out.

Halifax wrote to Ms Y to say that she could repay her mortgage by making a payment online, by phone or by going into a branch.

In April 2023, Ms Y spoke to Halifax about redeeming her mortgage. Halifax said she could pay over the phone by speaking to its high value payments team. It confirmed that it would be able to take a payment despite it being a bank holiday on 1 May, when Ms Y was planning to make the payment.

On 1 May 2023, Ms Y said she tried and was unable to make the payment online. So she phoned Halifax. She asked to be put through to the high value payments team but was told it was closed. She said Halifax put the phone down on her – and that happened five times when she phoned.

Ms Y said that she felt humiliated, unworthy and embarrassed. She said that her disability causes severe emotional distress if she is treated poorly and that she had a panic attack. She was worried because she would be charged an additional amount because her mortgage product had expired.

Ms Y said she got through to Halifax again and it said she should try again the following day.

On 2 May 2023, Ms Y spoke to the high value payment team at Halifax. It said it was unable to take the payment as it was internal, it pointed out she was being charged £10 a day because her product had expired. It said that she should go to her local branch to make the payment. Ms Y did so and settled her mortgage. But she said the trip caused her a great deal of pain because of her mobility issues and that she was emotionally unstable for the following week and suffered panic attacks.

Ms Y complains that Halifax had discriminated against her because of her disability and that it had not adjusted its communication in line with the Equality Act 2010. She wants £15,000 to reflect her emotional and mental health stress, panic attacks and suicidal thoughts that were brought on by Halifax's treatment of her.

I issued a provisional decision. My provisional findings, which form part of this complaint were:

*Did Halifax know about Ms Y's disability?*

*Ms Y brought a complaint to us about Halifax in 2020. That complaint was that she told Halifax about her disability and the adjustments she needed to help her. I am satisfied that Halifax was aware of Ms Y's disability and it ought to have had a record of the adjustments she needed.*

*There is no evidence that Halifax ought to have been aware that Ms Y had mobility issues until 2 May 2023.*

*Did Halifax give Ms Y incorrect information?*

*On 28 April 2023, Ms Y spoke to Halifax. It told her that she could not repay her mortgage online but she would be able to do so by speaking to its high value payment department by phone. It confirmed that team would be available on 1 May 2023.*

*I don't consider that Halifax was responsible for Ms Y being unable to make the payment online - it gave her correct information about that. But it did give her incorrect information about being able to contact the high value payment team on 1 May 2023. And in fact, the high value payment team was not able to process the payment when she did speak to it the following day.*

*Ms Y said she also received letters telling her she could make the payment online or by phone.*

*Halifax had a duty to communicate with Ms Y in a way that was clear fair and not misleading. I don't consider it did so. It ought to have been straightforward to tell Ms Y what she needed to do to repay her mortgage. Ms Y had been trying for a few months to find out what she needed to do to repay her mortgage – it was clearly very important to her to repay her mortgage as soon as she could. I don't think Halifax has shown that it communicated with her clearly or fairly.*

*Did Halifax treat Ms Y fairly in the phone calls of 1 and 2 May 2023?*

*I've listened to the recordings of the phone calls between Ms Y and Halifax on 1 and 2 May 2023. I don't consider the evidence I have supports that Halifax hung up on Ms Y. It isn't clear from the recordings how the calls were disconnected. Halifax's notes of the phone calls said that Ms Y hung up and that the line disconnected. I'm not persuaded on balance that Halifax was responsible for the phone calls being disconnected. So I can't make any award to reflect any distress or inconvenience that in itself caused to Ms Y.*

*I consider that Halifax treated Ms Y professionally during those phone calls. But of course, if Halifax had given Ms Y the correct information, she would not have had to phone Halifax at all on that day – there was no way she could do what she wanted.*

*On 2 May 2023, after being told that she could not make the payment by phone, she phoned Halifax to complain. She told Halifax about her mobility issues and her disability. There is a clear difference in Ms Y's voice from the previous day – I think she sounds upset. She said that she felt she was exhausted after her experience the previous day and was anxious and stressed.*

*Ms Y explained the difficulty she will have going to the branch to make the payment – she will need support from two people to get to the branch and was worried about what she would need to do to make the payment and the whole experience. She also explained that she couldn't use the automated phone payments system because of her disability. I consider that Halifax ought reasonably to have offered to make an adjustment by that point at the*

*latest so that Ms Y could make a non-automated payment over the phone.*

### ***Putting things right***

*I've found that:*

- *Halifax was aware of Ms Y's disability and what adjustments she needed. But it's not clear if that was properly recorded at the time in question.*
- *Ms Y was incorrectly told what she needed to do to make the payment on 1 May 2023.*
- *It's not clear that Halifax gave Ms Y the information she needed to achieve her objective to repay the mortgage on 1 May 2023. It appears that the online and phone options it told her about were never available. And it did not take account of her disability or the adjustments she needed.*
- *Ms Y wasted her time in phoning Halifax at least six times on 1 May 2023 – it could not process her payment.*
- *When she spoke to Halifax on 2 May 2023 it ought to have made an adjustment so that Ms Y could make payment over the phone.*

*It's not clear that Ms Y could ever have made the payment on 1 May as it was a bank holiday. Although I think that Halifax could have done more to give her accurate information and to make adjustments, that would not necessarily include offering a service that it would not offer on a bank holiday to anyone. So I'm not proposing that Halifax should refund the additional interest of around £10 that Ms Y had to pay because her mortgage wasn't repaid on 1 May 2023.*

*I consider that Ms Y has been caused stress and inconvenience in having to phone Halifax unnecessarily on 1 May 2023. I understand the effects of dyspraxia can include frustration and difficulty regulating emotions following stress, which is what Ms Y has told us she experienced.*

*I've already found she sounded upset during the phone call on 2 May 2023. Yet despite being told directly of her disabilities, mobility problems and the difficulties attending a branch would cause her, Halifax did not offer her any alternative. I think it should I have. And I can't see how a mortgage lender could not find a way to put a mechanism in place for Ms Y to make the payment by phone, not using an automated system.*

*Ms Y has explained the considerable impact on her of going to the branch. That includes, pain and suffering lasting around a week as set out in the background above. That was entirely avoidable.*

*I don't consider that Halifax has treated Ms Y fairly in view of her disability. I consider that has caused her considerable distress and inconvenience with a serious short-term impact. I consider that it would be fair for Halifax to pay her £400 to reflect that.*

*Halifax should also apologise to Ms Y and make sure that it has a record of Ms Y's disability and the adjustments she needs on its systems. It should check with Ms Y that it accurately reflects her situation.*

*Both Halifax and Ms Y accepted my provisional 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.

As both sides have accepted my provisional findings, I have nothing to add to my findings set out above.

**My final decision**

My final decision is that Bank of Scotland plc trading as Halifax should pay Ms Y £400.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs Y to accept or reject my decision before 17 November 2023.

Ken Rose  
**Ombudsman**