

## The complaint

Mr F complains about the service he received from a Barclays Bank UK PLC cashier and being racially profiled.

## What happened

There are three strands to Mr F's complaint.

The first strand is that when leaving the queue to approach the Barclays cashier, he was told to "wait". And as this was heard by other people in the branch, he found this embarrassing and humiliating.

The second strand is that he considers the cashier to have lied when he challenged her about telling him to "wait" and not using the word 'please'.

The third strand is that the cashier (named X) responded to Mr F's words by saying "yes *your highness*" and he perceives this behaviour to have been abusive, hostile and racially motivated.

Mr F sought an apology, including from the cashier, and complained to Barclays.

Mr F was dissatisfied with the outcome of his complaint as, although it was upheld, Barclays procedure is to handle the matter internally and not provide any details to customers. So, Mr F won't get an apology from the cashier and therefore has "no way of knowing that (X) has either been informed of this complaint or given opportunity to mend (his/her) ways, an essential part of any judicial system and healing process of an abused person".

When Mr F escalated his complaint to our service, Barclays said feedback had been provided and they were sorry for how he was made to feel. They also said this isn't the level of service they strive to achieve. In addition, they offered Mr F £75 redress.

Mr F felt this response added additional insult to injury, was further humiliating and felt they were not taking his black on white racism allegations seriously. Regarding Barclays redress offer, Mr F said the £75 offer was "paltry" and suggested £7,500 would be more appropriate.

Our investigator recognised Mr F's strong feelings; didn't doubt he'd been spoken to inappropriately but said she couldn't make a formal determination if this comment was racially motivated. Also, she felt that Barclays had taken accountability and was satisfied that £75 redress was reasonable.

Mr F responded by asking for his complaint to be passed to an Ombudsman. He added:

- *"The legal advice I have taken supports my dissatisfaction with Barclays response and that I take legal action against Barclays. Furthermore, and in light of you comment that the Ombudsman does not have the authority to determine 'discrimination', this matter can be addressed by solicitors"*
- *"That Barclays state to take the matters I raised as 'serious' is clearly contradicted by*

*their offering £75 to make the complaint 'simply and cheaply go away'. That Barclays can only state the issue has been conveyed to the Branch is further totally unsatisfactory. I feel one very basic and obvious resolution to this complaint would have been Barclays kept the party offended against 'in the loop' and told 'how' the offender has been dealt with. Barclays complaints procedure has, in this instance, shown to be unfit for purpose".*

### **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'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'm partially upholding this complaint and I'll explain why.

I recognise Mr F's strong feeling that he has been racially profiled, and I note that, as it is for the courts (who are able to cross examine witnesses) rather than our service to determine the exact words said and whether these constitute racial discrimination, he is taking legal advice.

I should add that although it's clear Mr F's complaint about the cashier's behaviour included racial profiling and Barclays informed him that his complaint was upheld, Barclays uphold appears to be because the cashier's words were inappropriate rather than being discriminatory. I don't think Barclays have made this clear in their complaint response letters and I can't see that they've accepted Mr F was discriminated against.

Also, Mr F says a Barclays employee agreed "yes *your highness*" wouldn't likely have been said if he was a black person, however there is information on file that shows this is disputed.

I should also explain that:

- I can't tell a business to make alterations to its policies, procedures or processes. I say this because we aren't the regulator of the financial services industry.
- There are rules (known as DISP Rules) laid down by the Financial Conduct Authority which means complaint handling is not a regulated activity. So, specific complaints about parts of Barclays complaint handling procedure can't be considered by our service.
- I can't compel a business to take disciplinary action against an employee or compel an employee of the business to apologise.

Although I can't determine if racial discrimination occurred here, I can consider whether I think a business hasn't acted fairly and reasonably in the circumstances, decide what should be done to put right any financial or non-financial losses that a consumer has experienced.

From file notes including Mr F's persuasive testimony and a confidential file note where the cashier is quoted as saying the 'customer was forceful in his attitude' and 'the wrong choice of words' were used, I think it more likely than not that the cashier wasn't ready to serve Mr F and when he approached the queue and he/she responded in an abrupt way that could be heard by other customers. Also, although it isn't possible to say if he/she lied, I also think it more likely than not that when Mr F challenged the cashier on his/her choice of words, he/she responded in an inappropriate and rude way.

So, I can understand why Barclays have apologised, said this isn't the level of service they strive to achieve and offered compensation. And I then considered if Barclays £75 compensation offer was sufficient for this type of poor service.

Assessing compensation isn't an exact science and our approach when making awards for non-financial loss is detailed on our website and tends to be modest. Although I recognise Mr F's distress at being embarrassed in Barclays branch, having reviewed the file together with our guidance, I consider this to be a one-off incident for which Barclays have apologised and, as mentioned by our investigator, escalated and taken accountability for.

Finally, I appreciate why Mr F feels he should be informed of any action taken against the employee. However, as mentioned, I can't ask Barclays to alter their policy or procedure. Also, Barclays have responsibilities as an employer, so I don't think it is unreasonable of them not to share updates or actions that involve their employees.

Having considered the file and all the above, although I recognise Mr F's distress here, I think Barclays £75 compensation offer is fair and reasonable. So, I'm partially upholding this complaint.

### **My final decision**

My final decision is that I'm partially upholding this complaint and I require Barclays Bank UK PLC to pay Mr F £75 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 9 February 2024.

Paul Douglas  
**Ombudsman**