

## The complaint

*Mr W is visually impaired and complains about Bank of Scotland plc's, trading as Halifax, service, ignoring his request for a reasonable adjustment and breaching the Equality Act.*

## What happened

I issued my provisional decision on this complaint on 5 December 2023, and this is what I said:

*I've considered the relevant information about this complaint.*

*Based on what I've seen so far, there will be a different outcome to what our investigator proposed.*

*Before I issue my final decision, I wanted to give everyone a chance to reply.*

*I'll look at any more comments and evidence that I get by 22 December 2023. But unless the information changes my mind, my final decision is likely to be along the following lines.*

### *The complaint*

*Mr W is visually impaired and complains about Bank of Scotland plc's, trading as Halifax, service, ignoring his request for a reasonable adjustment and breaching the Equality Act.*

### *What happened*

*Mr W is sight impaired and diabetic. Halifax are aware he is sight impaired, and they have a marker on his customer profile. Halifax are also aware that Mr W has previously raised concerns and requested service improvements as he believes they aren't following the Equality Act.*

*As a reasonable adjustment, Mr W's energy company sent him a bill in large print. However, when Mr W presented this bill for payment at a Halifax branch, he found that their representative couldn't scan the barcode due to it having also been enlarged.*

*Mr W says that, despite the marker on his customer profile, he was presented with a small manual receipt to complete the transaction. He explains that, as he couldn't read it, he signed it but wrote "unable to read" and this led to the cashier initially informing him that his payment couldn't be processed. However, another representative, who knew Mr W, intervened to resolve the issue by enlarging the form.*

*Mr W was distressed by this incident. He considered it to be further case of Halifax's non-compliance with the Equality Act, so he asked for assistance. As part of Halifax's customer service, they assisted him, in-branch, so he could communicate his experience and lodge a complaint.*

*By this time, Mr W had been in the branch for some time, and he soon needed to return home as he missed his meal. In addition, he was concerned about his blood sugar level and needed to take his planned medication.*

*Mr W describes how, after he was taken to a private booth and put through to a telephone representative, this service became a distressing and upsetting experience. This is because*

*the representative was quietly spoken, didn't explain long silences, took excessive time and, even when Mr W told him about his limited time and diabetes concern, he showed no empathy. Mr W says that despite asking the branch staff to intervene he felt bullied into staying on the line.*

*Mr W complained to Halifax about his experiences at the branch and further non-compliance with the Equality Act. Although I can't see that Halifax responded to Mr W's complaint about the customer service he received when representatives helped him lodge his complaint, they did apologise and accept they'd been "unable to provide adequate provisions for him". To say sorry for any upset and inconvenience they offered Mr W £125.00.*

*Mr W was dissatisfied and complained to our service as he believes he continues to be treated unfairly and discriminated against. However, our investigator considered the redress paid to be fair and reasonable.*

*As Mr W remains dissatisfied this case has been referred to me to look at.*

*What I've provisionally 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.*

*Having done so, I have a different view to the investigator and I'm partially upholding this complaint. I will explain how I have come to my decision.*

*I should first explain that I can't instruct Halifax to alter its procedures, processes or systems for accepting modified bar codes. I say this because we aren't the regulator of the financial services industry.*

*Our role is to consider each individual case and, where we think a business hasn't acted fairly and / or reasonably in the circumstances, to decide what should be done to put right any financial, or non-financial losses that a consumer has experienced.*

*Also, the relevant law in this matter is the Equality Act 2010. Under the Equality Act 2010, businesses must take reasonable steps to remove barriers people face as a result of their disability so that, as far as possible, people with disabilities receive the same service as people who don't have a disability and are therefore not placed at a substantial disadvantage. However, it's not for this service to judge whether Halifax have breached the Equality Act 2010, as that's an issue for the courts. However, I can take into account any relevant law and wider industry practice when deciding whether Halifax treated Mr W fairly and reasonably in the circumstances of this complaint.*

*I first considered the service Mr W received when he attempted to pay his utility bill with a large print invoice / barcode.*

*I'm satisfied that Halifax should've been aware of Mr W's sight impairment and the need to adapt their service and show patience and understanding. I say this because Mr W references a previous mistake where representatives failed to recognise this and make a reasonable adjustment and, in that case, Halifax confirmed:*

*"We do have guidance for customers who have a disability. A support need is added to the customers records once we have received a verbal agreement from that customer to record it. Please see below the support needs that have been recorded on our system for Mr W":*

*o 25/1/22 on-going – adapt – patience / understand*

*o 25/1/22 on-going – large print"*

*Although I understand Mr W's frustration here, I could see why Halifax had a difficulty scanning the enlarged barcode. This is because their technology is not set up to take barcode modifications. So, I thought it was reasonable for Halifax to undertake an alternative manual payment process and issue a receipt.*

However, file notes including Mr W's testimony and Halifax's complaint response show that there was an error and either the first representative wasn't alerted to Mr W's customer record or failed to check it. Had they seen the record, it is more likely than not that Mr W wouldn't have been made to feel that his transaction was being refused, as the manual receipt could've been enlarged and there would've been no need for him to annotate or another representative to intervene.

So, although the intervention appears to have been relatively quick and enabled Mr W to complete his transaction, I can understand why he felt inconvenienced and distressed here.

Also, as this isn't the first time Halifax haven't adapted their services for Mr W, he has had a further loss of confidence.

Halifax do not dispute they should've done more here, and they've apologised and offered £125 redress. However, Halifax's complaint response doesn't take into consideration the fact that they should've known Mr W needed a reasonable adjustment. So, although I found the inconvenience to be minimal, I found the impact to be high. This is because it was a further incident where Halifax had failed to make a reasonable adjustment and this caused Mr W a high level of frustration, annoyance and distress and added to his loss of confidence. So, I think Halifax should increase their redress here to £250.

I then considered the service Mr W received when he was taken to a private booth, and put through to a telephone representative, to communicate his experience, lodge a complaint and influence an improvement in Halifax's service to customers with visual impairments.

I requested the recording of this call and, from listening to this, I could understand the distress that Mr W describes. I found the representative to be polite but quietly spoken and, as he struggled to manage the call and didn't initially explain his silences, Mr W found it necessary to repeat his points and check he was still on the line. The call was very long and, approximately ten minutes before the end, Mr W started to explain that he couldn't stay on the call much longer because he was diabetic and needed to go home to eat and take his medication.

Yet, despite having most of the relevant information, the representative seemed to ignore Mr W and continued at his own pace. This caused Mr W to ask the branch staff to intervene and, at this stage, I would've expected some flexibility in the process, such as arranging a follow up call at a more convenient time. However, because the representative said he would have to discontinue the process, Mr W felt he had to stay on the call. I could understand this, as it is clear equality and fair treatment are important matters for Mr W, and I can see why he says he felt bullied into continuing with the call. Mr W reluctantly continued with the call and, because of his comments and the tone in his voice, I'm persuaded that this was a very upsetting and distressing experience for him.

So, having considered the call alongside the Financial Conduct Authority (the regulator) guidance for fair treatment of vulnerable customers, I think Halifax should also pay additional redress to Mr W. This is because I'm satisfied that this call caused Mr W considerable distress and upset. Despite Mr W clearly explaining his vulnerability, the Halifax telephone representative didn't seem to understand the needs of a vulnerable customer, adapt his approach or take practical action. Also, although the branch representative was trying to be helpful, as she could hear the impact on Mr W, I think she also should've intervened as the continuation of the call was causing a risk to Mr W's health.

Due to the considerable distress here, I require Halifax to apologise to Mr W and pay him £350 redress.

So, having considered all the above, it's my provisional decision to partially uphold this complaint and I require Halifax to pay Mr W a total of £600 compensation.

My provisional decision

*For the reasons I've given above, it's my provisional decision to partially uphold this complaint.*

*I require Bank of Scotland plc, trading as Halifax, to pay Mr W £600 compensation less any amounts already paid.*

*I'll look at anything else anyone wants to give me – so long as I get it before 22 December 2023.*

*Unless that information changes my mind, my final decision is likely to be as I've set out above.*

### **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 didn't receive a response from Mr W. However, Halifax responded and said:

*"I have no further information to add to this case and agree with the Ombudsman's decision to award a further £475.00 compensation, as we have already paid £125.00".*

As Halifax agree with my provisional decision and no further arguments or evidence have been produced, my view remains the same.

So, I therefore adopt my provisional decision and reasons as my final decision.

### **My final decision**

For the reasons given above and in my provisional decision, my final decision is to partially uphold this complaint and I require Bank of Scotland plc, trading as Halifax, to:

- Pay Mr W an additional £475 compensation

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 15 February 2024.

Paul Douglas  
**Ombudsman**