

## **The complaint**

Ms S is unhappy with the design and layout of The Co-operative Bank Plc (“Co-op”) online banking system. She says it doesn’t cater to the diverse needs of its customers and as such has breached its obligation to make reasonable adjustments and is discriminatory. Ms S is also unhappy with the way Co-op have handled her complaint and the service she received.

## **What happened**

Ms S has several conditions she suffers from. Ms S contacted Co-op by secure message with a significant number of complaints (around 30) which were mainly regarding its online banking site and use of it.

Co-op responded to each complaint point upholding some, but not most of Ms S’s complaints, apologised and credited Ms S’s account with £200 compensation. But Co-op didn’t agree that it had breached its obligations to make reasonable adjustments or created barriers to stop customers from banking with it as it provided different ways to do this.

Ms S was dissatisfied with this and so brought her complaint to this service. Ms S wants Co-op to make reasonable adjustments that take account of her conditions which would include a redesign of its website and the introduction of special measures for anyone unable to use a phone or tool provided by an external organisation that helps with the hearing impaired.

One of our investigators looked at all of this but didn’t think Co-op had done anything wrong or acted outside the requirements of the Equality Act 2010 or treated Ms S unfairly and so didn’t think her complaint should be upheld.

Ms S disagreed and has asked for an ombudsman’s 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.

I hope that Ms S won’t take it as a discourtesy that I’ve condensed her complaint in the way that I have. Ours is an informal dispute resolution service, and I’ve concentrated on what I consider to be the crux of the complaint. Our rules allow me to do that.

I can see that a number of complaint points Ms S made were in relation to the service she received from Co-op and how it handled her complaint. Where Co-op upheld these complaint points it has apologised and I think already compensated Ms S fairly. So, on this basis the focus of my decision - and what I consider the crux of Ms S’s complaint - will be on whether Co-op has discriminated against her by failing to make reasonable adjustments to cater towards her needs – in particular, with its online banking offering.

As a resolution to her complaint Ms S would like a re-design of Co-op’s website and the introduction of special measures for anyone unable to use a phone or a tool provided by an external organisation for use by the hearing impaired.

It might be helpful for me to say here that, I don't have the power to tell Co-op how it needs to run its business and I can't make it change its systems or procedures – such as its online banking system or display. These are commercial decisions and not something for me to get involved with. Nor does this service supervise, regulate or discipline the businesses we cover. And my role isn't to punish or penalise businesses for their performance or behaviour – that's the role of the regulator, in this case the Financial Conduct Authority (FCA).

But that said while I wouldn't tell a Co-op how it needs to run its business, or what systems it needs to have in place, I would expect it to make reasonable adjustments where it can to assist customers that are vulnerable or have difficulty in communicating with it and accessing the services it offers – in this case banking services.

So, what I next need to consider is given Ms S's own particular needs, whether what she is asking is a reasonable adjustment that the Co-op should make for her and if not whether the options available to her to meet her banking needs with Co-op are fair in the circumstances. And having considered everything, I don't think what Ms S is asking of Co-op does amount to a reasonable adjustment.

The FCA does not prescribe which channels firms must offer their services such as online, over the phone or in person. But in circumstances where a customer has a disability or vulnerability that reasonably prevents them from using a service provided by a business it would generally be expected that the business would make reasonable adjustments to facilitate their customers being able to achieve their objective via alternative means.

Co-op's website provides a link where it offers information on how it supports customers with diverse needs and that customers are able to communicate with it regarding their banking needs through the phone, in writing and through secure messaging.

Co-op are also able to use an external organisation's tool to communicate with its customers who are hearing impaired. I appreciate Ms S hasn't had a positive experience using this tool, but I can't say Co-op is at fault for this as it is not the provider of this tool or responsible for the operation of it.

I appreciate Ms S doesn't like the layout and design of Co-op's online offering, but I think this is partly down to her personal preference on how she'd like it to look and work rather than it being completely unworkable for her and not being able to extract information from it due to her sensory issues alone. And where Ms S hasn't been able to access or do something – such as change the orientation of the printout of her account summary – I can see Co-op has provided her support by giving her instructions on how to do this or where to find information needed.

I accept that none of the means of communicating with Co-op gives Ms S entirely what she wants and that other banks might have different online banking operating systems and designs. But that doesn't mean it automatically follows that Co-op hasn't provided Ms S with reasonable options for conducting her banking or failed to make reasonable adjustments. And sometimes the resolution that a customer wants – such as a redesign of its online banking offer - just isn't practical or proportional to the customers reasonable needs.

So, I can't say that Co-op has failed to provide Ms S with ways to access its banking services that meets her reasonable needs or further support where necessary. Nor have I seen any evidence or think it has intentionally created a barrier to her communicating and banking with it or that Co-op has discriminated against her directly or otherwise because of a condition she has.

So, it follows that because I don't think Ms S's requests amount to reasonable adjustments and I don't consider Co-op to have created barriers to her banking with it, I don't think that Co-op have treated Ms S unfairly and so I do not uphold her complaint.

### **My final decision**

For the reasons I've explained I've decided not to uphold Ms S complaint against The Co-operative Bank Plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms S to accept or reject my decision before 26 March 2024.

Caroline Davies  
**Ombudsman**