

The complaint

Mr L complains about Bank of Scotland plc (BoS) refusing to make an adjustment to allow his payment to be processed.

What happened

I issued my provisional decision on 2 March 2024, 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 16 March 2024. But unless the information changes my mind, my final decision is likely to be along the following lines.

The complaint

Mr L complains about Bank of Scotland plc (BoS) refusing to make an adjustment to allow his payment to be processed.

What happened

Mr L is elderly, doesn't use the internet for banking and is described as being vulnerable by his daughter (Mrs L) who represents him.

Mrs L was making an important on-line purchase for Mr L, at her address, using Mr L's bank card and the authorisation code was sent to Mr L's registered landline. So, Mrs L called BoS looking for assistance, and a code, to complete the transaction. Unfortunately, the BoS representative was unable to provide this assistance. And Mrs L had no alternative but to use her own card.

Mr L's complaint is that BoS's representative should've been able to provide a code to a vulnerable customer, for example sending the code to his mobile. And by not doing this and advising Mr L that they couldn't make any adjustments, they caused distress and inconvenience to both Mr L and Mrs L.

Mr L's complaint was dealt with on the same call and BoS said they were unfortunately unable to modify their system.

Mr L brought his complaint to our service. This included dissatisfaction with BoS's complaint response letter. However, our investigator didn't uphold his complaint.

As Mr L 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'll explain why.

I should first explain that:

- Banks are overseen by the financial services regulator, the Financial Conduct Authority (FCA), and have rules and regulations to follow together with a responsibility to have processes and procedures which protect customers from fraud and scams. So, I can't tell a business to make alterations to their systems, procedures or processes.*
- What we can do though, is consider each individual case and, where we think a business hasn't acted fairly and reasonably in the circumstances, including the application of FCA guidelines on vulnerable customers, is to decide what should be done to put right any financial or non-financial losses that a consumer has experienced.*
- Unfortunately, I'm only able to consider the inconvenience and distress for the account holder and not for Mrs L's time and trouble.*
- There are rules (known as DISP Rules) laid down by the FCA which means complaint handling is not a regulated activity. So, specific complaints about complaint handling procedures, process and letter quality can't be considered by our service.*

I first considered whether BoS could've done more to help Mr L complete his transaction using his account. For the following reasons, I don't think they could've:

- His account was only set up to send an authorisation code to his landline and he wasn't at his home address.*
- In advance of the transaction, BoS weren't aware of a requirement to have a code sent to a different phone number.*
- BoS can't change phone numbers mid transaction due to system, procedural and security reasons.*

So, although I recognise Mr L's and Mrs L's frustration at not being able to complete the transaction and not getting a resolution despite making a lengthy call, I can't see that BoS did anything wrong here. And, from listening to the call, I think their representative explained this and tried her best to assist.

Whilst I'm persuaded that Mr L has a vulnerability, I can't see that BoS were made aware of this prior to the transaction. Although a phone number modification or code retrieval can't be made for any customer, had BoS been aware in advance of the transaction, I think it more likely than not that they would've either suggested inputting Mr L's mobile number into their system or made him aware of their authentication token. Regarding this token which would give him a code to authorise online purchases, I consider this to be a reasonable adjustment for vulnerable customers.

I found the call to be almost entirely focussed on an immediate fix to allow the payment on Mr L's account and prevent inconvenience for him and Mrs L. Although the representative couldn't assist, I think she should've done more considering she was informed Mr L was vulnerable and observed him being represented. If she had enquired or escalated a call back about reasonable adjustments, such as the authentication token, this would've prevented Mr L and Mrs L future worry about transactions. Also, I think she was quick to close down the complaint.

I can fully understand why the representative focussed on the here and now as Mrs L wanted an immediate adjustment, but Mrs L also did make comments about vulnerable customers not being considered in BoS processes and procedures. So, although I think Mr L's main distress was about the transaction in hand, I think it more likely than not that he was left worrying about making future purchases. And I think BoS should offer compensation for this.

Having considered the above and all the information on file, I don't think BoS made an error in not providing a code. But I do think they should've given Mr L and Mrs L a better service and more reassurance. So, I'm partially upholding this complaint.

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. When considering the likely impact on Mr L, I think a fair and reasonable amount of compensation here is £100.

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 to:

- *Pay Mr L £100 compensation*

I'll look at anything else anyone wants to give me – so long as I get it before 16 March 2024.

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.

Following my above provisional decision, I didn't receive a response from Mr L. However, BoS responded to confirm acceptance.

So, as no further arguments or evidence have been produced in response to my provisional decision my view remains the same.

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

My final decision

For the reasons I've given in my provisional decision my final decision is to partially uphold this complaint.

I require Bank of Scotland plc to:

- Pay Mr L £100 compensation

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr L to accept or reject my decision before 17 April 2024.

Paul Douglas

Ombudsman