

The complaint

Mr C has complained about difficulties he experienced using his credit card and the customer service he received from Starling Bank Limited.

What happened

Mr C has a credit card account with Starling. He complained to Starling about the following issues:

- There seemed to be a problem with his card not being accepted by some merchants.
- He'd been embarrassed by his card being declined when he'd tried to buy a relative a hot chocolate.
- When he'd rung Starling to complain, the call was disconnected and he wasn't called back.

Starling apologised for any inconvenience this might have caused. It said it would see a request from a merchant on its system whether a card payment had been accepted or declined. However, it couldn't find any details of the payments Mr C claimed had been rejected. Its card operations team had confirmed that there were no known issues with his card which would lead to it not being accepted by a merchant. It thought the problems Mr C had been experiencing could be down to the physical condition of the card and said it would send him a replacement card.

Starling said when Mr C rang, the call was placed on hold while the call handler liaised with the complaints team. At that point the call was disconnected. It apologised for not calling him back and paid him £50 compensation for that.

Mr C also complained that Starling hadn't made reasonable adjustments in how it required him to communicate with it. He told the bank that his right hand and arm had been severely injured which made it very difficult for him to type on a phone or laptop. Starling said it would contact him by phone. Instead, when Mr C disputed two card transactions, Starling asked him to reply using its app. Mr C said he had made a 50 mile round trip to a friend's house so that his friend could respond on his behalf. He also didn't receive a call back as promised. Starling paid him £150 compensation for that.

As Mr C remained unhappy, he brought his complaint to this service. Our Investigator upheld his complaint and recommended that Starling should pay him an additional £450 compensation. He also recommended that Starling should make arrangement with Mr C for phone contact and ensure that he be contacted by phone in future.

Starling paid the £450 compensation. As Mr C didn't agree that was enough compensation, the matter has been passed to me.

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.

In particular, I have listened to recordings of Mr C's calls with Starling and also with this service outlining his complaint.

I appreciate that it's inconvenient and sometimes embarrassing when for whatever reason a debit or credit card doesn't work when someone is trying to make a purchase. In this case though there's no evidence that it was Starling's fault. As the transaction didn't reach it but other customers were able to use the same card machine, I think the bank's explanation that Mr C's card might be damaged in some way is the most likely explanation. It sent Mr C a replacement card and I think this was reasonable in the circumstances.

When a call to a business is disconnected for whatever reason, it's reasonable to expect that the business will call back. It's frustrating when they don't do that. However, Starling has recognised that and paid Mr C £50 compensation. I think that's fair in the circumstances.

I understand that the crux of Mr C's complaint is that Starling discriminated against him by failing to make reasonable adjustments to cater for his needs regarding communications to Starling. In particular, it kept referring him to use its online app when it should have known that it was difficult for Mr C to type anything and he preferred to telephone. Unfortunately, Starling didn't make it easy for Mr C to do this.

Mr C has complained that Starling has failed to make reasonable adjustments for him. In other words, has failed its duty to make reasonable adjustments under the Equality Act 2010. I've taken the Equality Act 2010 into account when deciding this complaint – given that it's relevant law – but I've ultimately decided this complaint based on what's fair and reasonable. If Mr C wants a decision as to whether Starling has breached the Equality Act 2010, then he'd need to go to court.

Starling has accepted that it shouldn't have asked Mr C to use its app to communicate with it and should have enabled him to communicate with it by phone while he was having difficulty typing. So, I need to consider what compensation would be fair and reasonable for the trouble and upset it caused by that.

Mr C has explained that he hated having to keep asking Starling for help on account of his disability. He said he was feeling depressed anyway and this made him feel even worse. The friend who could type a reply on his behalf lived 25 miles away and so it took him a few hours to put a response to Starling in writing when he could have been saved that trouble if he could have explained the position in a phone call. These problems went on for some time.

Calculating compensation in such situations isn't an exact science. Overall, taking into account the problems that occurred in this case, the impact on Mr C and the levels of compensation awarded by this service in complaints with similar circumstances, I think the additional £450 compensation recommended by our Investigator is reasonable. I appreciate that Mr C will be likely disappointed by this but I think it represents a fair resolution of his complaint.

I understand that Mr C has now had an operation to correct his temporary disability. I hope that operation has been successful. In any event I think it would be sensible for Starling to contact him and find out whether he still has any special communication needs. It goes without saying that if he has, I would expect Starling to consider Mr C's individual circumstances when communicating with him going forward.

My final decision

For the reasons given above, I uphold this complaint and require Starling Bank Limited to contact Mr C and find out whether he still has any special communication needs and consider these when communicating with him going forward.

As Starling has already paid the additional £450 compensation I think is fair, it does not have to do anything further in this regard.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 25 July 2024.

Elizabeth Grant
Ombudsman