

## **The complaint**

Mr F complains that Tesco Personal Finance PLC trading as Tesco Bank lied to him on multiple occasions.

## **What happened**

Mr F rung Tesco to swap credit limits between two credit cards he had with them, but Tesco made an error in the limit that was swapped over. Mr F says he contacted Tesco about this, and they told him they correctly changed the credit limits, so Mr F asked them to listen to the call for a second time. Mr F says that Tesco fabricated the content of his conversation with the call handler. Mr F says that when he's raised this with Tesco they've suggested it was poor complaint handling, but he disagrees with this as the complaint handler told Mr F that he had listened to the call twice.

Mr F received a copy of the call, and he says he did not say what had been attributed to him. He says Tesco offered him compensation, but they have included four other complaint points within the £250 compensation (providing incorrect information, giving out a password for his data without verifying the identification of the caller, preventing him from raising a complaint unless it was sent via letter to them, and sending out data to an unregistered address). Mr F made a complaint to Tesco

Tesco upheld Mr F's complaint. They said there wasn't a requirement for them to provide a breakdown of compensation, and they believed their initial offer of £150 was fair and reasonable, but on review, this was increased to £250 which took into consideration the impact Mr F explained that this had on him.

Tesco said that Mr F confirmed he believed £150 for the errors such as not being told the transfer of credit limit would be permanent, the wrong credit limit was transferred, the Data Subject Access Request (DSAR) verification not being completed, and the poor service on a phone call would be reasonable, but they feel £250 as an apology for what happened would be their final offer of compensation. Mr F brought his complaint to our service.

Our investigator did not uphold Mr F's complaint. She said the compensation Tesco offered was reasonable for the circumstances of Mr F's complaint.

Mr F asked for an ombudsman to review his complaint. He reconfirmed the nature of his complaint that he brought to our service was that he was advised on three different occasions that the complaint handler listened to the call where he quoted things that Mr F didn't say in order to defend a complaint. Mr F says Tesco added unrelated complaint points in their response which he hasn't complained to our service about those points. He says he felt unsupported by Tesco, blamed for not responding to them sooner, and they haven't acted in good faith despite the time and effort he's put into trying to get the issue resolved.

As my findings differed in some respects from our investigator's, I issued a provisional decision to give both parties the opportunity to consider things further. This is set out below:

*"I've considered all the available evidence and arguments to decide what's fair and*

*reasonable in the circumstances of this complaint.*

*Mr F has made a number of points to this service, and I've considered and read everything he's said and sent us. But, in line with this service's role as a quick and informal body I'll be focusing on the crux of his complaint in deciding what's fair and reasonable here.*

*I've noted the strength of feeling that Mr F has regarding what our service should only be looking at, and not the other complaint points which Tesco have added into the complaint he wants us to look into. But while I may not go into detail in this decision about his other complaint points, as Mr F is wanting increased compensation due to being told the wrong information three times by the complaint handler, I do need to be mindful about the impact this would have on him given the other errors Tesco made that Mr F doesn't want us to look into.*

*I say this because being told incorrect information several times on its own would be distressful and cause Mr F inconvenience by communicating with the complaint handler, which wouldn't be necessary if he was told the correct information the first time. But against a backdrop of several other errors which Tesco made, then it's likely the impact on him would be increased when he was told incorrect information, and that is why I need to assess the impact of the wrong information to Mr F as a whole, and to ensure Mr F receives the compensation he's already been offered and any increase to this if I feel this is not sufficient for what happened here.*

*Tesco have forwarded our service the email trails between the complaint handler and Mr F. I can see that on the final response they sent him on 25 October 2023 it said "From review I'm able to evidence a TOCL being actioned on your account on the 28 September. Your account with card ending (redacted) was increased from £450.00 to £15,350.00 and the account with card ending (redacted) was decreased from £18,900.00 to £4,000.00."*

*Amongst other points, Mr F tells the complaint handler "I have asked you to revert to the credit limits from last year, and if you listen you will hear that request in my phonecall to you". He later asks the complaint handler "Please could you arrange to have this investigated as previously requested".*

*The complaint handler responds on 30 October 2023, which prompts a further response from Mr F as he tells the complaint handler "you appear to have missed my other complaint point regarding the credit limit on (redacted). Please can you confirm that you have listened to the phonecall where the change in credit limit was requested, and given that the credit limit swapped onto (redacted) is not the amount that was discussed, please can you advise the outcome to this specific part of the complaint."*

*The complaint handler emails Mr F the following day and he tells Mr F "I've taken time to re-review your call made to us. You requested an increase on card ending (redacted) by an additional £15,000, as the limit was £450.00 prior to the Transfer of Credit Line (TOCL) this would have taken the limit to £15,450 however the limit was only increased to £15,350".*

*Mr F responds to the email, and he tells the complaint handler that "I'm positive I did not ask for £15,000 to be added to my credit limit, and I believe you are mistaken, as I was clear what I was requesting from Tesco Bank. Please can you re review the telephone call again and present back your findings once you have listened to what was requested, but I think you'll find you are not correct in what you have used to justify Tesco Bank's actions."*

*The complaint handler responded to Mr F on 3 November 2023. He said "To confirm I've re-reviewed the call requested and I can confirm the agent asked you what you'd like to transfer, you replied "£15,000" the Customer Service Agent then based the TOCL on the*

amount you advised”.

*This prompts Mr F to email the complaint handler and he tells him “I do not recall that being the only discussed amount regarding the transfer of credit limit. Please can you arrange to provide a transcript of the call, so I can confirm that the only conversation and amount discussed was £15,000, and nothing else. This can be an excerpt or a full transcript. Your choice” and “I’m very surprised your investigation confirming that the only amount discussed in the phonecall was £15,000”.*

*Tesco raised a DSAR for the call recording to be sent to Mr F, and due to them not sending this out within the required timeframe, this was received by Mr F later than it should have been as Tesco’s email to Mr F on 11 December says they understand Mr F received the DSAR on 5 December (2023).*

*I’ve listened to the phone call in question to see what Mr F actually said when he wanted to transfer credit limits between his two credit cards. The call handler asks Mr F “ideally, erm, how much would you look to transfer over?” Mr F replies “probably £15,000”. The call handler tells Mr F what the credit limits were, and she says “it went from (£)15,800 to (£)450, now is that what you’re looking to transfer back over?” Mr F responds “yep”. The call handler says it may take a moment and Mr F asks for the figure again, and the call handler replies “(£)15,800”.*

*As the credit limit was £450, Mr F tells the call handler they would be transferring over £15,350 (to get back to the £15,800 credit limit). So after listening to the call, it’s clear by the end of the call that £15,350 was to be transferred over so that the credit limit went back to £15,800. But the complaint handler told Mr F he said it was £15,000.*

*But while Mr F did initially say “probably £15,000”, this was before the previous limits were reiterated to him. What the complaint handler told Mr F wasn’t an accurate reflection of the final agreement. While I find it difficult to believe the complaint handler deliberately lied to Mr F, I’m persuaded it’s probable that he didn’t listen to the full call, and he heard Mr F saying “£15,000”, and that’s what he’s told Mr F.*

*Even when Mr F asks the complaint handler to listen to the call again, and he reiterates he doesn’t believe £15,000 was agreed, the complaint handler couldn’t have listened to the full call otherwise it would have been clear what was agreed. But as Mr F was told incorrect information here about what had been agreed, this set off a chain of events that caused Mr F distress and inconvenience which could have been completely avoided if the complaint handler listened to the full call and gave Mr F accurate information.*

*Not only was Mr F inconvenienced by having to keep emailing the complaint handler, but he would also have been distressed by being told inaccurate information, especially as he relied on the complaint handler listening to the call on multiple occasions and Mr F placed his trust in the call handler, only to be let down by being given inaccurate information.*

*This prompted Mr F to be inconvenienced by him feeling he had no other choice but to request a DSAR. This caused delays in Mr F getting the information which should have been provided to him at the latest in October 2023. But due to the DSAR delay it was December 2023 when Mr F appears to have received the call. Mr F was further inconvenienced to ring Tesco on 13 November 2023 about the DSAR.*

*Mr F would have been very distressed to find out that the complaint handler told him inaccurate information several times as what he was told wasn’t reflective of what was agreed when he was able to listen to the call, and he was further inconvenienced to have to bring this to Tesco’s attention.*

*So I've considered what would be a fair outcome for this complaint. In doing so I'm mindful of what Mr F has agreed with Tesco was proportionate for his other complaint points. But I'm not persuaded a total of £250 compensation is proportionate for everything that happened here.*

*I say this as Mr F would have already been distressed and inconvenienced for a number of reasons prior to being told inaccurate information by the complaint handler, including, but not limited to being provided incorrect information, giving out a password for his data without verifying the identification of the caller, preventing him from raising a complaint unless it was sent via letter to them, sending out data to an unregistered address and applying the wrong credit limit to his credit card.*

*So the impact of the complaint handlers actions would be increased at what would already be a very frustrating time for Mr F. This could have been avoided if the complaint handler listened to the full call, and reiterated the correct information to Mr F. But as he couldn't have done this, despite Mr F giving the complaint handler the opportunity to put things right, Mr F had to wait several weeks before he was able to listen to the call himself and find out he was right all along, and he'd been told inaccurate information from the call handler.*

*So based on what happened here, I'm persuaded that Tesco's actions caused Mr F considerable distress, upset and worry which caused him significant inconvenience. This lasted over a period of months as Mr F had to communicate several times with Tesco, and then he had to wait for the call which was sent outside of the normal timescales for a DSAR. Therefore I'm persuaded that based on the impact of what happened had on Mr F, that a total of £500 compensation would be more in line with our awards for what happened here (less anything Mr F has already been paid by Tesco). So it follows I intend to ask Tesco to put things right for Mr F."*

I invited both parties to let me have any further submissions before I reached a final decision. Mr F accepted the provisional decision. Tesco did not accept the provisional decision. Tesco made a number of points. In summary, they said they accept their service could have been better with regards to the credit limit adjustment, however, outside of the small delay with the DSAR being supplied, Mr F hadn't been impacted with the way it was provided.

Tesco said no third party has been given access to Mr F's personal data, so they cannot be penalised for what may have been. They said there have never been any roadblocks in place to prevent Mr F or any other customer from raising a complaint in line with their standard complaints procedure, and he had been able to raise separate complaints within the last year without any difficulty. They said they strongly believe the £250 compensation offer was fair.

### **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.

Although Mr F was disappointed without being able to raise an executive complaint by telephone, I accept that Tesco's process is not to raise an executive complaint in this way, and so I can't fairly say that Tesco did anything wrong on this point. I do note that Tesco are looking at this area and are undertaking a review into this, so this may change in the future, but this option wasn't available at the time Mr F asked for this.

While Tesco have said that no third party has been given Mr F's personal data, and I've seen no evidence to suggest that an unauthorised person has had access to his data, I'm

not persuaded that what happened here had no impact on Mr F as it caused him distress to believe that Tesco wouldn't complete verification before giving out the password for the DSAR which contained his data.

And Tesco did acknowledge security should've been completed. So I do think Mr F was caused distress by this. Of course if an unauthorised person was given his data this would have caused him much greater distress, and that's why I've only considered what happened, not what might have happened.

I've considered what Tesco have said about outside of the small delay with the DSAR being supplied, Mr F hadn't been impacted with the way it was provided. But I'm not persuaded by this. I say this because Mr F had been waiting for the correct information for some time after the complaint handler told him incorrect information on more than one occasion. So when Mr F didn't receive the DSAR within the timeframe he was told this would have caused him further distress.

As I said in the provisional decision *"This prompted Mr F to be inconvenienced by him feeling he had no other choice but to request a DSAR. This caused delays in Mr F getting the information which should have been provided to him at the latest in October 2023. But due to the DSAR delay it was December 2023 when Mr F appears to have received the call. Mr F was further inconvenienced to ring Tesco on 13 November 2023 about the DSAR."*

I've considered what Tesco have said about the compensation of £250 being fair. But I'm not persuaded they've fully considered the incorrect information which the complaint handler told Mr F more than once. The complaint handler said he had listened to the call Mr F had originally, and he told Mr F incorrect information about this call, despite Mr F giving the complaint handler ample opportunity to correct his position, which he didn't do, and he told Mr F incorrect information again.

This prompted the DSAR as Mr F believed he was being told incorrect information. Mr F waited several weeks to find out all along that he was right. As I said in the provisional decision, *"based on what happened here, I'm persuaded that Tesco's actions caused Mr F considerable distress, upset and worry which caused him significant inconvenience. This lasted over a period of months as Mr F had to communicate several times with Tesco, and then he had to wait for the call which was sent outside of the normal timescales for a DSAR. Therefore I'm persuaded that based on the impact of what happened had on Mr F, that a total of £500 compensation would be more in line with our awards for what happened here (less anything Mr F has already been paid by Tesco)."* I'm still satisfied that this is a fair outcome for everything Mr F complained about.

### **Putting things right**

In the provisional decision I said I intend to uphold this complaint. I said I intend to ask Tesco Personal Finance PLC trading as Tesco Bank to pay Mr F a total of £500 compensation for distress and inconvenience (less anything they have already paid him). I'm still satisfied this is a fair outcome for the reasons given previously.

### **My final decision**

I uphold this complaint. Tesco Personal Finance PLC trading as Tesco Bank should pay Mr F a total of £500 compensation for distress and inconvenience (less anything they have already paid him).

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 6 December 2024.

Gregory Sloanes  
**Ombudsman**