

## **The complaint**

Mr D complains he couldn't contact a department within TSB Bank plc by telephone, only by email. Mr D believes he has been discriminated against because TSB hasn't made reasonable adjustments.

## **What happened**

Mr D explained he raised a disputed transaction with TSB. He described not being able to contact the team dealing with his disputed transaction directly by telephone, only by email. Mr D explained this put him at a disadvantage due to his anxiety and dyslexia which means he sometimes struggles to read and write.

Mr D said he had to contact TSB for updates via its chargeable general telephone number, which he described as extremely busy with long wait times. Mr D wants TSB to change its processes, so he can speak with the disputes team and wants compensation for the distress and inconvenience this has caused.

TSB explained it had added a support indicator to Mr D's profile after he explained his needs, so advisers speaking with Mr D will be aware and tailor support.

TSB said it was a business decision not to have an active telephone line into the disputes team. TSB has explained customers who do not want to complete the online form for a disputed transaction can call its customer service number and the adviser will complete the form on the customer's behalf.

Our investigator didn't think TSB needed to take any further action. They accepted Mr D had the option to speak with an adviser who could fill out the disputed transactions forms for him. They also reasoned TSB had made a business decision not to allow customer to speak directly with the disputes team. Our investigator stated TSB had provided evidence it had made a note about Mr D's dyslexia on his profile and Mr D could request additional support if he needed it.

Mr D remained of the view TSB should have made reasonable adjustments for him. As Mr D rejected our investigator's recommendation, his complaint has been passed to me to make a final 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 appreciate how strongly Mr D feels about his complaint. Although I may not mention every point raised, I have considered everything but limited my findings to the areas which impact the outcome of the case. No discourtesy is intended by this, it just reflects the informal nature of our service.

Mr D claims TSB has breached the Equality Act 2010. Mr D thinks he should be able to contact its disputed transactions department directly by telephone, not just by email. I've taken the Equality Act 2010 into account when making my final decision on this complaint, as it is relevant law, but my role is to decide what is reasonable and fair. Only a court can decide whether the Equality Act has been breached.

The Equality Act 2010 says service providers shouldn't treat an individual less favourably because of a matter arising from their disability. And they should – where appropriate – make reasonable adjustments to allow individuals to access the service being provided without disadvantage.

Further to this, ensuring vulnerable customers are treated fairly has been a key focus of the Financial Conduct Authority (FCA)'s policy since at least 2015. And the Consumer Duty also says specifically that firms must tailor the communications they provide to consumers taking into account (amongst other things) any characteristics of vulnerability.

I would therefore expect a business to carefully consider whether it needs to make reasonable adjustments once they are told about needs a customer has.

In establishing whether I am satisfied the actions TSB has taken are reasonable and fair, it is first important to recognise the limitations of our services remit here. How businesses choose to operate and the systems and processes they have in place, is not something we consider as part of a complaint, these are potentially matters for the regulator, the FCA.

This means I cannot ask TSB to change its systems, only determine whether I think Mr D was treated fairly and reasonably in the particular circumstances at hand.

TSB has confirmed the decision to suspend telephone calls into its disputes team was a business decision, and I accept it was entitled to make this decision and cannot ask it to reverse it. I appreciate Mr D has expressed this is one of the outcomes he wants from his complaint, but it is not something our service can achieve for him.

The remaining issue for me to determine is therefore whether I am persuaded TSB didn't act fairly and reasonably, by not allowing Mr D access to a direct line to the disputes team.

There are usually many departments and services undertaken by financial businesses which are not customer facing or have contact with customers. TSB confirmed its disputes team are not currently '*customer facing*' and mainly work using emails, corroborating what Mr D had told our service.

On receiving Mr D's complaint, I asked TSB to explain how customers in Mr D's circumstances could stay informed and provide information about a dispute.

TSB explained customer service agents on its telephone banking team could see and update Mr D on any disputed transaction he had raised. TSB also confirmed the telephone banking team could pass information to the disputes team and raise a disputed transaction on a customer's behalf. I can see TSB provide a telephone banking line on a local rate equivalent number, which are often included in mobile phone minutes packages. This again is arguably a business decision; however, I do think this in line with what other businesses offer.

Whilst I appreciate this may not be direct contact with the department in question, it appears to be a reasonable option for Mr D to gain information about his dispute and pass information on. TSB has provided a log from its systems showing it noted down the issues Mr D raised and I am reasonably satisfied TSB was undertaking the process it described in these circumstances.

I appreciate Mr D has complained about phone waits and delays, but I am satisfied such delays would likely have happened to all customers. Likewise, I am not satisfied there is evidence showing being able to send emails would have led to a quicker service for customers, or otherwise.

The Equality Act doesn't require businesses to provide universal access, but rather provide reasonable steps to remove barriers that place individuals with certain needs at a '*substantial*' disadvantage. By offering the services it has, I am satisfied TSB has provided such reasonable steps in this instance.

Furthermore, I note Mr D's complaint is not about the outcome of the disputed transactions itself, only regarding his ability to contact the department and use of the telephone service.

TSB has confirmed it has updated its systems, so I am hopeful Mr D will not experience similar issues in the future. As I said, I would expect business to consider whether it needed to make adjustments when it is told of a customer's needs. I am therefore satisfied TSB did this after it was told about Mr D's needs.

I appreciate Mr D will not agree with my decision, as he believes TSB should have made further reasonable adjustments to cater for his additional needs, but I do not agree this extends to being able to speak to departments when he wants to.

In summary, I am satisfied Mr D could contact TSB and raise a dispute over the telephone, he could also get an update on the progress of his disputed transaction through telephone banking. I am therefore not persuaded he was substantially disadvantaged and was able to access the service he needed. As I have said, I am satisfied the decision not to allow customers to contact any department directly, is a business one TSB are entitled to make, and for that reason I cannot say TSB did anything wrong here. For these reasons I do not uphold Mr D's complaint.

### **My final decision**

For the reasons I have given, my final decision is I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 14 May 2025.

Gareth Jones  
**Ombudsman**