

The complaint

Mr E has complained that Nationwide Building Society (NBS) treated him unfairly as a customer during several phone calls, some of which were terminated. Mr E is also unhappy that NBS decided to close his accounts. As a result, Mr E feels he's been a victim of discrimination due to his disability.

What happened

Mr E is a long-standing customer with NBS. Mr E has several accounts with NBS including two current accounts with overdraft facilities and a credit card account.

Mr E has explained that in 2015 he received a diagnosis for autism and since then has undergone a variety of ongoing treatments for his condition. Mr E has said that since his diagnosis and how his family reacted to his diagnosis his mental health has been impacted. And he has suffered from varying degrees of depression and anxiety.

Mr E's explained that he has remained a customer with NBS, and he's been happy with the services he has received over the years. He's said he made NBS aware of his personal circumstances, including his disability, and up until recently he has felt NBS listened to him and valued him as a customer, which is why he hasn't thought about changing his bank. Mr E has said that due to his disability it's important to him that NBS is clear about the detail of its financial products, and he likes to have as much information as possible.

Mr E says in recent times he has applied for a loan with NBS to buy a car, but his application was turned down. NBS told Mr E that his JSA couldn't be considered as an income. Mr E said NBS didn't make this clear to him at the time of his application.

In October 2023, Mr E applied to NBS for a small increase to his credit card limit as he was struggling financially. As part of the application Mr E told NBS he was still getting JSA and disability benefits. During the application process NBS told Mr E that they couldn't consider Mr E's JSA as income. And declined his application.

Mr E said he was shocked, that NBS hadn't made it clear to him that his JSA couldn't be considered as income. He pointed out that NBS had sent him letters offering to increase his credit card limit prior to his application. So, he couldn't understand why his application had failed. And he felt he had wasted time completing his application.

Mr E complained to NBS and made over 80 phone calls to NBS between October 2023 and early 2024, trying to find out why his application had been rejected, and to get his complaint looked into properly. Mr E has said NBS staff were rude, aggressive, refused to speak to him, and hung up on him. He felt NBS labelled him as a problem customer, encouraging staff not to answer his calls. And that staff didn't understand his disability. Mr E felt he was being victimised and discriminated against due to his autism and for raising his complaints.

Following this NBS decided to close Mr E's accounts giving him 90 days' notice to arrange alternative banking. This was because NBS felt its relationship with Mr E had broken down.

However, NBS then overturned this decision and kept the accounts open after Mr E made an appeal.

Mr E remained unhappy and brought his complaint to our service. As a resolution, Mr E wanted to be compensated for the way he was treated by NBS and the impact it caused to his mental health. Mr E said whilst raising his complaint with NBS he encountered multiple issues. In summary he said:

- NBS failed to grasp how its actions impacted him and didn't listen to him or read his correspondence before responding.
- He spent hours and days on the phone to NBS trying to sort things out, but NBS advisors were rude, and hung up on him.
- He felt the complaints team intended to discriminate against him.
- NBS failed to acknowledge the issues he had raised and failed to provide a resolution.
- The overall correspondence from NBS caused distress.
- Mr E feels that he was labelled a problem customer because of his calls, and that NBS has discriminated against him due to him being autistic. He didn't feel NBS understood his disability.
- Mr E asked NBS to address and respond to each of his individual complaint points. Separately. However, Mr E remained unhappy because he felt NBS failed to address his complaint fully and in the format he'd requested.
- NBS told him it was closing his accounts which caused him a great deal of distress and worry.

Our investigator looked into the concerns Mr E raised. She explained that she wouldn't be making a finding on whether NBS had breached the Equality Act 2010. However, she agreed NBS hadn't treated Mr E fairly. In summary she said

- She had listened to calls between NBS and Mr E. She didn't believe all the calls demonstrated poor service, and there were calls where NBS had been helpful and empathetic toward Mr E. However, there were calls where she thought the tone or certain phrases used by NBS representatives wasn't reasonable. She also didn't think it was appropriate for some calls to be terminated or threatened to be terminated by NBS. Therefore, she said the service had fallen short, and it had led Mr E to feel further distress.
- Mr E made a significant number of calls because of the way he was left feeling in the earlier calls. He felt he wasn't being listened to, and it's clear he was frustrated. Because Mr E felt anxious and determined to speak to NBS, there was an excessive number of calls made by him. This was also because Mr E preferred communicating over the phone due to his autism. In these circumstances, NBS should've managed Mr E expectations better around the level of communication and complaints that he was making with them. But she couldn't see that NBS warned Mr E about this being unreasonable.
- She didn't think NBS acted fairly when it decided to close Mr E's accounts.
- NBS didn't provide any evidence to demonstrate that it had warned Mr E that his accounts would close due to a relationship breakdown. Therefore, she didn't think NBS had enough protocols in place before deciding to close Mr E's accounts.
- The way in which NBS structure their complaints department isn't something we can comment on as it's their own business decision. When a customer is unhappy with the business' complaint response or investigation, they have the right to bring the case to our service to look at it impartially. This option was given to Mr E in the complaint responses, so he was given the correct information.
- Because of Mr E's autism, the impact on him would've been greater at the time of the

events. Whilst the accounts didn't close, Mr E would've been anxious and worried about rearranging his banking.

- All these factors contributed to the impact on Mr E and his mental health. To put things right NBS should pay Mr E £350 for the trouble and upset caused

In response NBS said whilst they disagreed with some of the investigators comments they agreed to pay Mr E £350 compensation to resolve Mr E's complaint. NBS said it had offered Mr E additional support with its Specialist Support team (SST), but he declined this. NBS said the volume of calls Mr E made placed undue pressure on its staff, which is why it decided to close Mr E's accounts. However, it had then mediated with Mr E and decided not to go ahead with the closure of the accounts. NBS accepted that the service it provided Mr E could have been better at times.

Mr E said he wasn't happy with the level of detail in NBS's complaint responses and that NBS merged his complaints. He also said that NBS didn't take his autism into account when it decided to close his accounts. And NBS didn't appreciate how its actions and poor service impacted him as a person with autism. Especially the threatened closure of his accounts. So, he feels £350 is too low based on the detrimental impact NBS' actions had on him.

As no agreement could be reached the matter has come to me to decide.

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 would like to highlight that I've taken into account Mr E's very detailed submissions about that has happened. If there's something I've not mentioned, it isn't because I've ignored it. I'm satisfied I don't need to comment on every individual point or argument to reach what I think is the right outcome. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the Courts.

Firstly, I must point out that I am aware Mr E has two complaints with our service. This decision will focus on Mr E's complaint relating to the poor service, NBS's decision to close Mr E's accounts, and his further allegations of discrimination.

I also acknowledge Mr E has complained that NBS discriminated against him on the basis of his disability and treated him differently because of his autism. In other words, it hasn't treated him fairly under the Equality Act 2010 (the Act). I've taken the Act into account when deciding this complaint - as it's relevant law – but I've ultimately decided this complaint based on what's fair and reasonable. I'm required to take into account the law, rules and regulations, codes of practice – but ultimately I decide matters based on what I think is fair and reasonable. If Mr E wants a decision that NBS has breached the Act, then he'd need to go to Court.

Mr E has also commented on the way NBS' complaint's team is structured and that his complaints were separated. Whilst I can see it was Mr E's preference to have NBS respond to each of his individual complaint points, as the investigator has already explained to Mr E, complaint handling isn't a regulated activity, so its outside the jurisdiction of this service. So, I can't consider what Mr E has said about how NBS handled his complaint when it merged his complaints.

The way in which NBS structure their complaints department is also something I can't comment on as it's their own business decision. When a customer is unhappy with the

business' complaint response or investigation, they have the right to bring the case to our service to look at it impartially. This option was given to Mr E in the complaint responses, so he was given the correct information. I'm also afraid I can't say that NBS deliberately treated Mr E unfairly because the complaints team were part of the same team.

I've listened to the frequent calls that Mr E made to NBS in which he expresses frustration at the number of times he'd had to call to try and get things sorted out. It's clear that during the calls Mr E was frustrated and upset. However, I don't believe all the calls were handled badly, and there are calls where NBS have been helpful, patient and empathetic toward Mr E. But there are calls where I don't think the tone or certain phrases used by NBS staff was reasonable. I also don't think it was appropriate for some calls to be terminated or threatened to be terminated by NBS. Therefore, I'm satisfied that the service NBS provided to Mr E on occasion fell short of what he could reasonably have expected. This would have further amplified Mr E's frustration and concerns - and led him to believe he was being treated unfairly. And that NBS had labelled him what he described as a 'problem customer', which I can understand would have been upsetting for Mr E.

NBS have pointed out that Mr E made a high volume of calls and that this impacted their staff. But having listened to the calls and taken on board what Mr E has said about his autism and how it impacts him, I think it's likely Mr E made a significant number of calls because of the way he was left feeling after the not so well-handled initial calls. He told NBS he felt he wasn't being listened to, and it's clear he was frustrated. Because Mr E felt anxious and determined to speak to NBS, there was an excessive number of calls made by him. This was also because Mr E's preferred communicating over the phone due to his autism.

In these circumstances, I think NBS should've managed Mr E's expectations better around the level of communication and complaints that he was making with them. I can't see that NBS ever warned Mr E about this being unreasonable. I would've expected it to tell Mr E both verbally and in writing. Instead, it took the decision to close Mr E's accounts on the basis that it believed its relationship with Mr E had broken down. This resulted in Mr E worrying about what this meant for his accounts and how he would be impacted. Given that NBS had been made aware Mr E was autistic, I think it is reasonable to assume, it was foreseeable that telling Mr E his accounts were going to be closed, would have had a greater impact on him.

I'm pleased to see that NBS decided to try and work with Mr E and find a way forward. This resulted in NBS deciding not to close Mr E's accounts. NBS also offered Mr E additional support via its SST. I think this goes some way to putting things right. But like the investigator I think NBS should do more.

Overall, I'm satisfied that Mr E received poor service from NBS and that he suffered detriment as a result. From listening to the phone calls, it's clear that Mr E is sometimes very distressed by the lack of progress he has been able to make and that the matter affected his health. NBS has accepted that at times its service falls short. To put things right the investigator said NBS should pay Mr E £350 compensation for the trouble and upset this caused him. Mr E says this isn't enough.

When it comes to compensation, awards made by this service are more modest than Mr E might hope or expect. I understand that he thinks he should receive considerably more than the £350 recommended by our investigator. I've thought very carefully about what Mr E has told us about the impact that this had on him, particularly to his mental health and the inconvenience in having to spend time making phone calls to NBS. I have a great deal of sympathy for Mr E and what he was put through. But based on the available evidence, I

agree with our investigator that £350 is a reasonable and proportionate amount to compensate Mr E for his distress and inconvenience.

Finally, I note that Mr E has indicated that he may wish to pursue the matter through other means, I can't advise him on how to go about doing that, but my decision brings to an end what we – as an informal dispute resolution service can do for him.

Putting things right

Overall, I agree that NBS made errors with the service it provided when dealing with Mr E's phone calls and I can see why Mr E felt he wasn't being treated fairly. I can also see this would have impacted him in several ways, including him feeling disrespected, suffering a degree of distress and upset, and feeling he wasn't able to communicate in a way which was appropriate for him. However, NBS agreed to pay Mr E £350, which was recommended by our investigator, to compensate for the distress, disrespect and impact it had on his feelings, and I'm satisfied that the compensation recommended is sufficient to recognise this. As such, I won't be asking NBS to do anything further.

My final decision

For the reasons I've explained, my final decision is that I uphold this complaint. To put things right Nationwide Building Society should do the following:

- Pay Mr E £350 for the trouble and upset this matter has caused him.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E to accept or reject my decision before 22 July 2025.

Sharon Kerrison
Ombudsman