

## **The complaint**

Mr H complains about how The Royal Bank of Scotland Plc (RBS) trading as First Active has administered his mortgage and the service it has provided, particularly when he has complained.

## **What happened**

In 2006, Mr H took out a mortgage with First Active.

Mr H complains he's been given poor service when he complained. That includes First Active refusing to speak to him, being rude when it did speak to him hanging up on him and not responding to complaints. He considers First Active is biased against him,

I issued a jurisdiction decision setting out my understanding of what Mr H wanted us to look at and that we could not consider any complaints that were dealt with in First Active's final responses dated 9 January, 8 June or 11 December 2023 as they have been referred outside the time limits in our rules.

The investigator did not think that the complaints we could consider should be upheld.

Mr H did not accept what the investigator said. He said he had not complained about some of the things she had addressed.

## **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've already explained that we can't consider some parts of Mr H's complaint. Mr H has told us that the investigator considered things he did not want us to consider. I set out in my jurisdiction decision what complaint I understood that Mr H wanted us to consider. We have given him an opportunity to comment on that, and he has not made any further comments regarding what we are considering. So as I explained in my jurisdiction decision I will deal with the level of service First Active gave Mr H when it dealt with his complaints.

First Active has offered Mr H £200 for any poor service. Even if I were to uphold all of the complaints that I can consider about the service Mr H has been given when complaining, that is as much as I would have awarded in the circumstances. I consider that First Active's offer is fair way to resolve any complaints Mr H has made about the service First Active has provided that I can consider here.

Mr H said that First Active is punishing him for getting "annoyed" or "raising his voice" by refusing to speak to him when he complains. I accept and understand that these matters are important to Mr H and he obviously feels very strongly about them. Sometimes complaints can cause raised emotions. But if a customer goes beyond what could reasonably be expected – and that would include raising their voice – then it is not unreasonable for a financial business to decline to deal with the customer in future by phone.

First Active said that its members of staff have a right to be treated with respect by customers and that is why it has refused to deal with Mr H by phone. Bearing in mind the evidence I have, I don't consider that was unreasonable. The phone calls do not appear to be particularly productive for either Mr H or First Active. And it has told him he can complain in writing if he wishes. I don't consider that would cause Mr H any real detriment.

There is no real evidence to support that First Active is biased against Mr H. I think it is more likely it refused to accept phone calls from Mr H because of the way he chose to speak to its staff rather than because he'd raised a number of successful complaints in the past.

If Mr H was unhappy with the outcome of a particular complaint, he could have referred it to us if he wished. But I do not have the power to look into how First Active reached its decision in each of the complaints Mr H has made – he would have needed to refer those complaints to us within the relevant time limits. I can't review each of those decisions looking for evidence of bias now.

I understand First Active has already sent Mr H a cheque for £200. In all the circumstances, I consider that was a fair way to settle this complaint and First Active does not need to do anything else.

### **My final decision**

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 19 June 2025.

Ken Rose  
**Ombudsman**