

The complaint

Mr W has complained about the service he received from The Royal Bank of Scotland Plc when he spoke to them about his difficulties with his mortgage account. He said the person he spoke to made insensitive and distressing remarks, and he believes the same person then dealt with his complaint to cover their own back rather than allowing it to go through the correct channels.

What happened

Mr W has a mortgage with RBS that has been in arrears for a few years as he unfortunately lost his job and also had some health concerns (which I won't detail here to protect his privacy). I understand RBS was granted a suspended possession order in 2023.

Mr W spoke to RBS in December 2024 to update it on his situation, and he says the person he spoke to was very rude and said his property would be repossessed. Unhappy with how the conversation went, Mr W raised a complaint.

RBS responded to the complaint on 20 February 2025. It said the complaint had been raised on 16 December and related to a call on 9 December 2024. It said it had listened to the call and didn't agree the member of staff had done anything wrong.

Our Investigator didn't uphold the complaint. She said she was sorry to read how the call with RBS had made Mr W feel, but having listened to the call she didn't think Mr W had been treated unfairly.

Mr W didn't agree and asked that an Ombudsman issue a final decision. After our Investigator sent a copy of the call recording to Mr W he said that was a completely different conversation, and in the one he was referring to the staff member made threats against him.

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 I've read and considered the whole file I'll keep my comments to what I think is relevant. If I don't comment on any specific point it's not because I've not considered it but because I don't think I need to comment on it in order to reach the right outcome.

I'm aware of Mr W's circumstances, and I'm sympathetic to the considerable impact they have - and have had - on him. I've not gone into any detail about that in this decision to protect Mr W's privacy once the decision is published. But I'd seek to reassure him that I've read and taken into account everything he's said.

In considering complaints, the rules of the Financial Ombudsman Service require me to decide what is fair and reasonable in all the circumstances. In doing so, I take into account relevant law and regulations; relevant regulators' rules guidance and standards; codes of practice; and, where appropriate, what I consider to have been good industry practice at the

relevant time. But it's important to note that while I take into account all those factors, ultimately I am deciding what I consider to be fair and reasonable in all the circumstances.

In this particular case, Mr W has referred to the Equality Act 2010 as a relevant consideration. The Financial Ombudsman Service is an alternative to the courts, and ultimately it is for the courts to decide on matters of law – including whether there has been a formal breach of the Equality Act – but the Act is relevant law for me to take into account.

In response to our Investigator's assessment Mr W said that he felt our service thought it was responsible for a bank to throw someone out on the street. I've a great deal of sympathy for the position Mr W is in, but unfortunately that isn't something we are able to comment on as it isn't the complaint that was made and referred to us. This complaint only relates to how Mr W was spoken to in the call in question, not about the wider picture of how RBS has treated him overall. Mr W has also said RBS told him it would help with the selling fees if he sold his property, but again that isn't the complaint that has been referred to me so I'm unable to consider that in this decision. If Mr W would like a complaint to be considered about any of those issues then he would need to make that complaint to RBS, and then refer it to us if he was unhappy with RBS's response.

In this decision I will only be commenting on the contents of the call, and Mr W's statement that the call we have listened to isn't the same call he has complained about.

First, I will deal with the issue of whether it is the right call. We can never be certain there wasn't another call that took place, but having considered everything very carefully I'm not persuaded there likely was another call. Mr W raised the complaint on 16 December and he has said the call took place in December. RBS's contact notes only show one conversation took place, and that is the one on 9 December. The call I have listened to took place with a female staff member as Mr W has said, and the general contents of the call (in that, Mr W was providing an update on his circumstances) tallies with what Mr W said about it. We asked Mr W when he thought a second call took place, but he was unable to tell us. And RBS searched its systems for any other calls around that time (covering November, December and January) and it was unable to find any other potential calls, with any other calls being about other things or being disconnected without a conversation. On balance I think it is more likely than not that the call RBS supplied is the call Mr W complained about.

I've listened to that call very carefully and I understand how distressing Mr W has said he found it. In the call RBS discussed claims Mr W was making for Support for Mortgage Interest ("SMI") and Personal Independence Payment ("PIP") with the Department for Work and Pensions. The call handler said that once those were sorted out it would need to go through an income and expenditure assessment with Mr W to look at a repayment plan, and they were unable to put any further hold on the account at that time. They said they needed to make Mr W aware that RBS may look to reissue the formal demand notice, and that could result in legal action and eventual repossession of the property. But it would take everything into account when reviewing matters to ensure the correct decisions were made, although they couldn't promise Mr W that no further action would be taken in the future. They said Mr W's circumstances would always be taken into consideration, and he should let RBS know once he had a decision on the PIP and SMI claims. They said Mr W could only try his best, and they would update the system to show the SMI form had been sent to RBS so it could keep an eye out.

RBS has a regulatory responsibility to explain any potential consequences when an account is in arrears. I understand how distressing that would be for a customer to hear, especially where they are already struggling, but it is a message that RBS has to deliver. I think the call handler delivered the message in an empathetic way, and was clear that RBS wasn't looking

to pursue legal action immediately as it was giving Mr W time for his DWP claims to be considered, but they couldn't guarantee action wouldn't be considered in the future.

I wouldn't expect RBS to set aside its regulatory requirement to explain the possible consequences of the arrears by way of a reasonable adjustment. I accept that Mr W found the conversation distressing. But unfortunately, it is a message that had to be delivered.

In relation to the remainder of the conversation, I don't agree with Mr W that the call handler was rude and/or threatening, nor do I think they were insensitive.

Finally, Mr W has said that the person he complained about dealt with the complaint to cover their own back. As our Investigator explained, complaint handling is not itself a regulated activity. It's something that the regulator requires financial businesses to do. But that isn't enough to make it a regulated activity within the meaning of the rule; that is, one from the list of activities set out in the legislation from which we derive our powers. We're able to consider concerns about complaint handling in some limited circumstances, but there is another thing that we need to consider and that is that we can only make an award for any poor customer service in handling a complaint if we're upholding the underlying issue being complained about and it is intrinsically linked. All that said, I have reviewed the call logs and the complaint handling system logs, and I can reassure Mr W that the person who handled his complaint wasn't the person he complained about. I hope my reassurance provides some comfort to him that there wasn't the procedural irregularity that he believed.

I acknowledge Mr W's strength of feeling, and I appreciate this will likely come as a disappointment to him. This decision doesn't intend to in anyway downplay or disregard his situation, but for the reasons I've given I simply can't uphold this complaint however much Mr W may want me to.

My final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 10 November 2025.

Julia Meadows
Ombudsman