

## **complaint**

Ms D complains that Lloyds Bank PLC failed to inform her of internet and text banking facilities that would have prevented her making regular visits to branch, when it knew she was disabled and found the visits difficult. She wants increased compensation.

## **background**

Ms D says that for some years she had visited a Lloyds branch each month to be sure she had enough money in her account to pay her bills. She normally dealt with the branch manager. She has a physical disability that made these visits difficult.

When she'd visited the branch in November 2017 a counter staff member asked her if she'd thought about getting internet banking. The staff member helped her to set it up with a password she'd remember.

In February 2018 she spoke to the branch manager about why she wasn't told sooner about internet and text banking. The manager said she was told. She doesn't think she was. She thought that since the manager is aware that she also suffers from memory loss, he was taking advantage of that to say she'd been told, when she hadn't.

In early February 2018 Ms D complained to the bank. Her daughter, Ms B, also did so on her behalf. Ms B said that after her mother had made a complaint the branch manager had called Ms D and made inappropriate queries and comments given her memory loss.

Lloyds said it wasn't appropriate that the branch manager had questioned her in the way he had about her complaint. But it explained that the branch manager had been trying to identify the staff member she had dealt with. It said it would put £50 into Ms D's account for this poor customer service. It said that the bank did offer telephone and online banking as an alternative to visiting the branch. But the branch manager had advised that it may not be a safe way to manage her accounts given the information she'd provided (presumably about her memory loss).

Ms D complained to us. She thought she should have been given more assistance about ways of managing her account sooner. She says that if she had been given the information when she enquired about alternative ways of managing her account, she wouldn't have had to visit the branch. She didn't think the £50 compensation was enough.

Our investigator thought that Lloyds should have done more to assist Ms D so that she didn't have to make the visits to the branch each month. She thought Lloyds should pay Ms D £250 compensation.

Ms D's daughter replied to our investigator's view. She said her mother was severely disabled and Lloyds had breached the Equality Act. It also didn't comply with its own policies. She wanted Lloyds to be fined and her mother paid more compensation. A little later Ms D gave us permission to deal with her daughter about the complaint.

Our investigator asked Lloyds when it became aware of Ms D's conditions. It said it first became aware on 12 February 2018 when it received an email from her daughter. But Ms D's daughter said her mother walked with the aid of a stick, which was an obvious physical disability. She also said she and her mother had attended a meeting at the branch in around mid 2014 where her mother's health issues, including memory loss, were discussed. She

said at no time did Lloyds ask her mother to fill out a form about her difficulties or offer her any help.

Lloyds also responded to the view, saying that it didn't have consent to record Ms D's conditions and therefore staff would have had to have been told each time she visited the branch. It also said Ms D had been registered for internet banking twice so it is reasonable to assume she was aware of it. Lloyds also said all customers became opted in to text messaging in November 2017. But messages to Ms D had failed to be delivered.

Ms D's daughter said that there was no way her mother could have registered for internet banking in 2010, when the bank showed a record of registration, as her health at the time prevented it. And her mother couldn't recall registering for it in 2015 either.

After considering the further information, in October 2018 our investigator gave a further view on Ms D's complaint. She said that our role wasn't to make a finding on whether Lloyds had breached the Equality Act, our role was to consider whether businesses had treated customers in a fair and reasonable way.

Our investigator said she needed to consider when Lloyds became aware of Ms D's conditions and what it did when it became aware. She acknowledged that Ms D's daughter said she and Ms D had met with Lloyds to discuss her health issues some years prior. But there was nothing in the bank contact notes about this. She understood Ms D's physical disability was visible as she walked with a stick. But she said this doesn't mean all customers with a disability need or want specific support.

She did think Lloyds was aware of Ms D's health issues by October 2017. And when Ms D spoke to the manager at that time about ways she could manage her account without coming into the branch, more care should have been taken. Ms D was now happy with her internet banking. But she could have had that service sooner when she initially stated she needed help. If the manager had assessed her needs properly she wouldn't have had to travel to the branch for another month. So she thought £150 was now reasonable compensation – an additional £100 to the £50 compensation Lloyds had already paid to Ms D.

Lloyds agreed with this but Ms D didn't. She thought perhaps our service had lowered the compensation because she'd made a service complaint. She didn't think she could've opened an internet account at the time Lloyds said she did, because she wasn't well.

The complaint then came to me for decision.

### **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I can see Ms D and her daughter feel Lloyds should have done more to assist Ms D and they think more than £150 in compensation should be given. That's understandable. But I'm afraid I'm going to have to disappoint Ms D as I think £150 in total is reasonable. I'll explain why shortly.

This case has taken longer than I'd like to get to this decision, and I'm sorry for that. I asked the bank for more information about Ms D's internet banking history and communication preferences (such as whether she received paper statements or statements online) and that took some time to obtain. And I'd like to reassure Ms D that I've read and considered all the

information on the file, even if I don't refer to it. I'll only refer to the information that I think is relevant to my decision. I'd also like to reassure Ms D that in considering her complaint I haven't taken into account the compensation she received for a service complaint against us. I'm also sorry we provided her with poor service at times. But the compensation she received from us isn't relevant to what, if any, compensation she should receive from Lloyds in relation to her complaint.

The key issue in Ms D's complaint against Lloyds is whether Lloyds should've offered assistance to Ms D sooner so that she didn't have to come into branch every month to find out what her account balance was. This journey was difficult for her because of her physical disability. I understand that she now has access to the banking services she wants, so I'm looking at the past to see what compensation, if any, Lloyds should pay Ms D for her inconvenience.

Ms D has told us that she has visible mobility issues in that she walks with a stick, and she has memory issues. She and her daughter think that Lloyds have breached the Equality Act 2010 in failing to assist Ms D with her banking so that she didn't have to come into branch every month. She should've been given access to internet banking sooner than November 2017.

We are an informal dispute resolution service so it's not my role to make any finding on whether or not the bank acted in breach of the Equality Act. That is the role of the courts or the Equality and Human Rights Commission. But in considering what is fair and reasonable I have to take into account any relevant law, regulations, codes of practice and good industry practice. And the Equality Act is relevant law.

In my view Ms D had a physical disability that made getting to the bank more difficult. As she walked with a stick this would have been obvious to bank staff. And where a disability is obvious, there is an obligation to consider whether any reasonable adjustments can be made to enable a customer to access services in alternative ways so as to lessen any disadvantage.

Our investigator thought that just because a customer had a visible disability, this didn't mean a customer needed or wanted specific support. But I do think that where a business can see a customer may have specific needs, it would be good customer service to ask if any assistance can be offered. And it's not clear to me that the bank did so at any time before November 2017. I'm not convinced that this was a breach of the Equality Act obligation to make reasonable adjustments, But I am satisfied that the bank could've provided better customer service if it had asked before November 2017 if there was anything it could do to assist Ms D to do her banking other than by coming into the branch. Ms D was registered for internet banking from 2010 to 2012 and then from 2015 onwards, but didn't use it. This may mean that the branch staff assumed she had a preference for visiting the branch, as opposed to doing banking online. Not all customers like to use online banking.

Ms D says she didn't know about internet banking, and wasn't offered it until November 2017. The bank says she was registered for it in 2010 and in 2015. But I've seen no evidence that Ms D herself registered for internet banking or that she used it before November 2017, when the branch staff member helped her set it up with a password she could recall. It may be that Ms D was automatically enrolled for internet banking and wasn't aware of this.

I've considered if the bank did provide Ms D with alternative ways of obtaining her bank balance other than coming into branch. But unfortunately Ms D was registered to receive her statements online, which means she wasn't able to access them before November 2017, when she was assisted with obtaining a password she could remember. If statements had been posted to Ms D's address she would've been able to access them without coming into branch.

There's no doubt that by October 2017 when Ms D spoke to the bank manager, that the bank was aware that Ms D wanted assistance with her banking. I don't think it was right of the branch manager to assume Ms D wouldn't have been able to use internet banking because of her memory issues. In fact it's clear she has been able to do so since November 2017. So in October 2017 Lloyds offered poor customer service to Ms D.

I do think Lloyds could've provided better customer service to Ms D. I think that Lloyds should pay Ms D an additional £100 for her inconvenience. I understand that Ms D wants more compensation. But I think £150 is fair. We can't award compensation to punish banks. It's often only a modest amount. In this case, £150 is more than a token amount and acknowledges that Lloyds could've done better. I'm sorry if this disappoints Ms D.

### **my final decision**

My final decision is that Lloyds Bank PLC must pay Ms D an additional £100 in compensation. If it hasn't paid Ms D the initial £50 it offered her, it must pay that also.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms D to accept or reject my decision before 6 March 2019.

Helen Wheatley  
**ombudsman**