

complaint

Dr L is unhappy with the service Inspop.com Ltd ("Confused") has provided and they say it has discriminated against them.

background

Dr L has said they're unhappy they can't use Confused as intended. They say it requires them to specify a gender from binary options – either Dr (male) or Dr (female). They'd like Confused to admit that by refusing to return any results on its site (unless a binary gender is specified), it's discriminating on the basis of gender.

Dr L is also unhappy with the response they received from Confused when requesting a list of insurers that require a gender to be selected to return a quote.

Confused looked into Dr L's complaint and issued its final response. It said it was sorry Dr L was unhappy with the title options it allowed customers to select on its website. It said not all of the insurance partners on its panel currently accept the answer (Dr) on its own so it was unable to add this option to the site at this time. It said as a price comparison website it's not always possible to dictate to insurers what procedures they should follow or the answers they should accept. But it said it was something it was working towards.

It went on to explain if Dr (on its own) was an option on the website it would not produce as many quotes. But it said as insurers are not allowed to rate prices based on gender, if Dr L wanted to obtain a quotation on its site, they could select one of the available titles and then contact their preferred quoted insurer to see if it could change their title so it didn't include gender. Dr L remained unhappy so they referred their complaint to our service.

Our investigator looked into the complaint and agreed that Confused had acted unfairly. To summarise she said by applying strict features to its systems it lead to unfair outcomes for Dr L. She said Confused may wish to consider allowing customers to use its website without choosing a binary title or explaining it could affect the level of quotes that are provided. She went on to say that Confused should pay Dr L £200 for the impact this issue had on them when trying to use the site effectively.

Confused didn't agree with the investigators opinion. It said it had already discussed the issue with partner insurers but the task to change all systems is enormous and would need to be led by the panel of partner insurers. Secondly it said the recommendation to allow individuals to not choose a binary title would discriminate further as it wouldn't allow customers to have access to all quotes. And lastly it said Dr L wasn't forced into using Confused and was not forced to give up part of their identity. So it didn't believe it had treated Dr L unfairly and it didn't accept that it was responsible for any distress and inconvenience.

Our investigator responded to these points and explained it hadn't changed her opinion. Confused replied and offered Dr L £100 for the distress and inconvenience this had caused. But within this correspondence it referred to Dr L with the incorrect pronoun. This caused further upset to Dr L.

Our investigator pointed this out to Confused who explained it had taken great care to ensure it had used the correct pronouns and said this must have been an oversight. It went on to say it would write to Dr L to apologise. Dr L didn't accept Confused's offer and

Confused didn't agree it should pay £200. So the complaint has been passed to me to consider.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I agree with the investigator's findings for broadly the same reason. I will explain why.

Firstly I would like to acknowledge Dr L's strength of feeling towards the matter and I appreciate the upset caused. But it's not the role of this service to make a finding on discrimination under the Equality Act 2010. But I can consider if Confused has acted fairly in the actions it has taken.

Confused has said that in order for it to allow "Dr" as a title on its own, it would mean its insurer partners on its panel would have to make changes which would enable Confused to generate quotes for its customers. I appreciate this type of change needs to be led by the insurance industry as a whole. But there was a paper issued by The Government Equalities Office in November 2015 which I think Confused needs to consider. The paper highlights good practices when it comes to providing goods and services to people who are transgender, non-binary and discusses titles and gender. The paper says that making a customer choose a title – or a gender – that they don't identify with doesn't help businesses to get to know their customers. So with this in mind I think more could be done on Confused's part.

I say this because in light of the paper and the fact it has said that some insurers have started to use non-binary titles I think it could have embraced this on its website. I understand the point Confused has made that not all quotes will be generated as not all insurers have non-binary titles. But if Confused made its customers aware of this I think it would limit the upset it caused to customers (by given up part of their identity) as they would have an option, while advances were made in the insurance industry. Also by offering this choice it may also push insurers who have not yet made those changes to do so, as this would set a good example. So to summarise I think this is something Confused should consider.

I've also considered the point Dr L has raised regarding Confused's response to their complaint. In its final response it provided Dr L with a list of insurers and said Dr L may wish to contact them individually and ask it to change their salutation to "Dr". While I appreciate that Confused was trying to be helpful, if Dr L did this it would defeat the purpose of them using a comparison website. So I don't think their suggestion was either fair or reasonable.

Confused has said that it had been very careful to ensure the right pronouns are used and apologised for the oversight on its part when it sent correspondence to our service addressing Dr L incorrectly. It's imperative that all customers are addressed correctly but given the nature of Dr L's complaint and the timeline of events that occurred I feel Confused's error was careless. And I can appreciate why it may appear to Dr L that Confused had ignored their reasonable request to be addressed correctly. With this in mind, I do think the £200 is fair and reasonable given the upset this has had on Dr L.

my final decision

My final decision is that I uphold Dr L's complaint and Inspop.com Ltd should pay Dr L £200 for the trouble and upset it caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Dr L to accept or reject my decision before 22 September 2019.

Jade Rowe
ombudsman