

The complaint

Mr S complains about the service provided to him by Bank of Scotland plc trading as Halifax (“Halifax”) when he requested to order some historic bank statements over the phone. Halifax’s agent incorrectly told him this couldn’t be done over the phone and said he needed to come into a branch. Mr S suffers from a disability and severe mobility issues. The unnecessary visit to branch caused him lots of pain.

What happened

Mr S contacted Halifax by phone to request some copy statements from 2019 on a closed account he had with it.

Halifax’s agent wrongly advised Mr S that his statements couldn’t be ordered over the phone and that he’d need to visit a branch to order these in person. Mr S says he made the agent aware that this would be highly inconvenient given his disabilities and severe mobility issues but despite this the agent insisted Mr S he needed to visit a branch.

Mr S says felt he had no choice but to take the six-mile round trip. He says when he arrived at the branch he was told whilst waiting in line that he could’ve ordered the statements over the phone and as Mr S suffers from pain whether being stood up or seated, he decided to leave and order the statements over the phone again. When the statements arrived Mr S discovered they weren’t the ones he wanted.

Although Halifax has no record of Mr S attending a branch it accepted it made a mistake in not ordering Mr S’s requested statements over the phone which resulted in him making an unnecessary round trip to one of its branches. Halifax compensated Mr S £100 for the distress and inconvenience caused and arranged for copies of the statements Mr S had requested to be sent to him separately. Halifax also explained that as Mr S had not provided consent to record his disabilities previously it wasn’t able to take them into account as it had no way of knowing about this.

Mr S was dissatisfied with this and brought his complaint to this service. One of our investigators looked into Mr S’s concerns and didn’t think that Halifax’s response to Mr S’s complaint had addressed the full impact its mistake had on him and recommended Halifax increase the compensation paid to £250.

Mr S disagreed. He says he would’ve happily accepted the £250 in relation to the terrible service and inconvenience from Halifax but believes that this doesn’t cover the pain, suffering and distress this matter has caused. He says as this event has affected his health, compensation should reflect this. So, Mr S’s complaint has been progressed for an ombudsman’s decision on the matter.

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.

My role is to look at the problems Mr S has experienced and see if Halifax has done anything wrong or treated him unfairly. If it has, I would seek – if possible - to put Mr S back in the position he would've been in if the mistakes hadn't happened. And I may award compensation that I think is fair and reasonable.

In this case Halifax has already accepted that Mr S was provided with incorrect information which resulted in him making an unnecessary trip to one of its branches causing him some distress and inconvenience and compensated him £100 for this.

My understanding is Mr S has now received the statements he requested and so what I have to decide is whether the £100 compensation offered by Halifax is a fair and reasonable amount of compensation for the distress and suffering Mr S endured as a result of its error. And I don't think it is.

I'm in agreement with our investigator that I don't think Halifax have properly taken into considerations the impact its mistake had on Mr S in his circumstances. I appreciate Halifax didn't have consent to record a note regarding Mr S's disabilities or mobility issues, but this doesn't mean he hasn't been impacted more by its mistake than someone without his mobility issues.

I think it is likely Mr S would've made Halifax's agent aware of his situation when he called up to order his bank statements and so I would've expected more care to be taken when insisting someone with mobility issues such as his come into branch to order them. And the distress caused by this in my opinion was entirely foreseeable.

So, I'm in agreement with our investigator that further compensation is warranted here and that total compensation amounting to £250 is fair in the circumstances.

I appreciate Mr S doesn't think this level of compensation is enough, as he says the trip to the branch has affected his health. I sympathise with Mr S as I've no doubt his health conditions severely impact his day to day living and make what for most are simple tasks, very difficult.

But having considered everything I'm not persuaded that the trip to the branch has significantly made Mr S's health conditions worse. Although I've seen evidence of Mr S's health conditions, I've seen nothing to show me they have been made worse by the trip to the branch.

So, although I do accept Halifax's actions caused stress and anxiety for Mr S, overall, I can't say Mr S's health has got significantly worse as the conditions would have still been there regardless of the actions Halifax took. And nor can I see that Mr S has suffered any financial detriment due to Halifax's mistake.

So, in these circumstances I think the recommended compensation of £250 is fair and the payment of this is a reasonable way to settle Mr S's complaint for the distress and inconvenience caused to him.

My final decision

For the reasons I've explained I've decided to uphold Mr S's complaint and direct Bank of Scotland plc pay Mr S a further £150 compensation bringing the total compensation to £250.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 10 April 2024.

Caroline Davies
Ombudsman