

The complaint

Mr F complains Metro Bank PLC (“Metro”) blocked his debit card leaving him without access to funds to get home even though they were aware of his vulnerabilities. As a result, Mr F says Metro failed to make reasonable adjustments and discriminated against him. Mr F also complains that Metro closed his account and gave him poor customer service.

What happened

The details of this complaint are well known by both parties, so I won’t repeat them again here in detail. Instead, I’ll focus on setting out some of the key facts and on giving my reasons for my decision.

In the early morning hours of 2 September 2023, Metro blocked Mr F’s debit card. Metro had sent Mr F a text message which he needed to reply to confirm if he had made recent transactions on his card for it to be unblocked.

Mr F says he didn’t realise he’d been sent this text message at the time. Mr F tried to withdraw cash from an ATM to pay for a taxi home but couldn’t as the card was blocked. So Mr F to call Metro to understand why his card wasn’t working - and to get help so he could withdraw cash to get home. Mr F says he had been drinking alcohol during that night.

The first call disconnected after Mr F had been speaking to an agent who was taking him through its customer verification process (“CVP”) – referred to in the call as ‘security’. Mr F called back and spoke to another agent. After some discussion, Mr F was told he had failed Metro’s CVP and would need to go into one of its branches to get his card unblocked.

Mr F explained he’s a vulnerable adult, that he has dyslexia and autism, and this is something he had made Metro aware of. Because of this Mr F says Metro failed to make reasonable adjustments as it shouldn’t have sent him a text message but instead called him if it had concerns about any payments.

Mr F then went to one of Metro’s branches. As it was still early morning, it was closed. Mr F forced entry by kicking the door open. Mr F says he was surprised by how easy this was to do and that there wasn’t an alarm that went off. Because of this Mr F says Metro has poor security in its branch.

Later, Mr F took a bus home as his disability travel pass had started working by then. He says that he assaulted a passenger on the bus that he didn’t know. Mr F says he only did this because of the impact Metro’s actions had on him given his neurodiversity conditions.

After speaking to Metro’s call operatives, Mr F went back to the same branch later that day. There he was arrested by the police and detained. Mr F says Metro lied to the police about what he had said on some of the calls – specifically that he had threatened to stab staff members.

Mr F continued to speak to Metro and its call handlers throughout the day until his card was unblocked.

On 4 September 2023, Metro told Mr F that it had decided to close his account straight away. Mr F says he only had a few hours to get his funds because of this – which was unreasonable given his condition. He also says that his only income is government benefits and Metro's actions made it hard for him to access them.

Unhappy with Metro's actions, Mr F complained. Metro didn't uphold Mr F's complaint. Some of the key points it made were:

- Metro had not found any times it discriminated, but it accepts such experiences are subjective so apologises for any upset caused
- It had received a security alert from its branch around 5am on 2 September 2023 and Mr F had been seen on CCTV in the branch which showed he left soon after forcing entry
- After reviewing the calls, Metro said Mr F threatened to harm colleagues in its branch. It's because of this the police stayed in the branch and arrested Mr F
- This isn't the first time Mr F has made threats to Metro's branch staff and has been warned about this before. Because of this, and Mr F's aggressive behaviour heard in multiple calls, Metro has decided to close his accounts in line with its terms and conditions
- Because of the conditions of Mr F's police bail, and because of his behaviour towards its colleagues, Metro has sent a banker's cheque to his home address for the account balance – but this has since been cancelled

Mr F had withdrawn the funds from another of Metro's branches in a different city, so that is why the banker's cheque had been cancelled. Unhappy with what Metro said, Mr F referred his complaint to this service.

Mr F told our Investigator that he did threaten to smash the branch windows, but he had been drinking and was left in a vulnerable position by Metro's actions. He added that he had been able to open a bank account with another provider around two weeks after his Metro one had been closed. And, that his mother had to help him financially until that point so that he was able to buy food and other essentials.

Mr F also made several other points. Some of the key one's are:

- Metro acted unreasonably given it knew about his autistic spectrum disorder and dyslexia
- Metro sent Mr F text messages about activity it found suspicious. Mr F was using the card in a pub and was drunk from drinking most of the day. Given Metro knew about Mr F's conditions, was it fair it blocked his card in this way? Mr F didn't see Metro's text message until the next day. Metro should have called Mr F instead
- Mr F questions why Metro let him use his card three times in the pub before blocking it
- Mr F questions how he could have failed security when he was calling from a mobile phone registered with Metro

- Mr F questions why he was told by Metro's fraud team member to go into a branch that early in the morning when they would have been closed. And why it did this whilst knowing the vulnerable situation he was in
- Metro entrapped Mr F as it told him to go to branch knowing the police would arrest him there. Metro deliberately lied to the police
- Mr F's erratic behaviour was caused by Metro's unreasonable actions given his disabilities

Our Investigator then reviewed Mr F's complaint. They recommended it not be upheld. In short, they made the following findings:

- Metro acted fairly when it blocked Mr F's account as it has an obligation to protect customers from fraud and scams. Banks have systems in place that monitor account activity. In such circumstances texts can be sent to the registered numbers and where no response is received, the account is blocked until the customer gets in contact with them. This is what happened here, so Metro didn't make a mistake
- Having listened to the call recordings provided, Mr F threatens to smash the branch windows and stab people. Mr F broke into the branch building

Mr F has explained his behaviour could be linked to his conditions. But whilst Metro is expected to make reasonable adjustments for its customers, this doesn't remove its responsibility to protect the welfare of its staff, the general public, and its premises. So Metro didn't act unfairly when it contacted the police. Which led to Mr F's arrest

- Mr F has said he was drinking alcohol for most of the day. So they couldn't reasonably say his actions were solely because of his conditions
- Metro made reasonable adjustments when it allowed Mr F to withdraw his funds after it closed the account
- Metro was entitled to close Mr F's account in the way it did. This was in line with what the terms and conditions say
- If Mr F wants a determination Metro breached the Equality Act 2010, he would need to go to court

Mr F didn't agree with what our Investigator said. He argues that Metro hasn't acted fairly based on what it knew about his vulnerabilities by blocking and then not unblocking his card. Mr F also says Metro lied to the police to get him arrested.

Mr F also complained about his Data Subject Access request to Metro. Our Investigator explained that if Mr F remains unhappy about this, he would need to contact the Information Commissioner's Office (ICO). So this isn't something I'll be addressing in my decision. But in response to what Mr F said in relation to their recommended outcome, our Investigator made the following key and novel points:

- Mr F was told he hadn't passed security and would need to go into a branch on a call with Metro on 2 September 2023 at 4:56 a.m. Mr F wasn't allowing the agent to complete CVP, and the call became difficult. The agent told Mr F the branch would open at 8 a.m.

Metro made it clear to Mr F on this call that it wouldn't be able to remove the block without Mr F logging into his online banking. All the agent was able to do was see why there was a block, but he couldn't say anything until Mr F successfully went through its CVP. It wasn't unreasonable for Metro to tell Mr F at this point to go into one of its branches when it opened

- Having listened to other calls, Mr F had said he'd assaulted someone else and that if Metro put him in the same position again, he would go round punching other people and might start stabbing them too. He also said Metro will "find out" when he comes into the branch. Mr F also said that when he has these problems people get punched and "stabbed up". Mr F's behaviour could be linked to his conditions, but Metro has a responsibility to protect the welfare of its staff, the general public and its premises.

Mr F didn't agree. He also says he can't get a clear picture until he has all the calls to listen to. I understand Mr F has been sent these calls. In addition, and to avoid repetition, Mr F says he can provide medical evidence from a psychologist that someone with his condition can act impulsively and say and do inappropriate things when put in a vulnerable situation.

As there is no agreement, this complaint has been passed to me to decide.

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.

Having done so, I have decided not to uphold this complaint. I know Mr F feels strongly about his complaint, so I'll explain why.

I'm very aware that I've summarised the events in this complaint in far less detail than the parties and I've done so using my own words. No discourtesy is intended by me in taking this approach. Instead, I've focussed on what I think are the key issues here. Our rules allow me to do this. This simply shows the informal nature of our service as a free alternative to the courts.

If there's something I've not mentioned, it isn't because I've ignored it. I'm satisfied I don't need to comment on every individual argument to be able to reach what I think is the right outcome. I do however want to reassure both parties that I've considered everything Mr F and Metro have said before making my decision.

Account and card block

Banks in the UK, like Metro, are strictly regulated and must take certain actions in order to meet their legal and regulatory commitments. They also need to carry out ongoing monitoring of an existing relationship with their customers. That sometimes means banks need to restrict accounts including debit cards.

Metro has commitments it must meet to make sure it's applying proper measures to stop financial harm being caused to its customers. Good practice means firms should take action to:

- Identify and help vulnerable consumers and consumers in vulnerable circumstances, including those at risk of financial harm (something recognised by the Financial Conduct Authority (FCA) in recent years and by the British Bankers Association's

February 2016 report 'improving outcomes for customers in vulnerable circumstances');

- Try to identify and help prevent transactions – particularly unusual or out of character transactions – that could involve fraud or be the result of a scam (something also recognised by the British Standards Institute's October 2017 'Protecting Customers from Financial harm as a result of fraud or financial abuse – Code of Practice', which a number of banks and trade associations were involved in the development of)

Several contactless payments were being made by Mr F through the evening and early morning to businesses one of which, a football club, Mr F himself wasn't entirely sure about at first based on the calls I've listened to. So it's likely that due to the frequency, timing and business(s), Metro's fraud protection systems were triggered and blocked Mr F's card. In this case, I haven't seen anything to make me think Metro were wrong to do so. As I've said, it has to protect its customers from financial harm – and I'm satisfied its actions were fair here.

Given Mr F's vulnerabilities, I also think this could leave him open to the risk of financial harm. So I still think Metro did nothing wrong when blocking his card and account until it was able to speak to him, or get positive text confirmation, to verify if the transactions were his.

I note Mr F has questioned Metro's use of its CVP process, and that as he was calling from a registered phone, and given it knew about his conditions, why it was necessary at all. Financial businesses like Metro will have processes in place to ensure that it is verifying customers in line with its security and data protection duties. After all, Metro would need to be sure it was speaking to its customer when sharing personal information.

The impact of Metro not doing so, and maybe speaking to a fraudster could have much more serious and harmful effects.

I've also listened to the call where Mr F was told he didn't pass CVP. Mr F was told that as he couldn't use online banking at the time, the agent could only tell him why his account was blocked but they wouldn't be able to unblock the card. And to do so they would need to complete CVP. Metro has done nothing wrong here because it must have processes to make sure its speaking to the right person.

I also don't think Metro has done anything wrong in telling Mr F he hasn't passed it's CVP, and that he would need to go into one of its branches to be identified and talk about the matter more. Mr F says he then went to a branch based on this advice. But the agent had made it clear to Mr F that he would need to go to branch when it opened at 8 a.m.

Given what Mr F has said about his neuro-diverse conditions, and as he had been up for any hours over the evening into the early morning, I can understand if he didn't hear this. But from having listened to the call, I'm satisfied he was told to go into branch when it opened.

Reasonable Adjustments

Mr F says Metro failed to make reasonable adjustments in line with the Equality Act 2010 by blocking his card, texting him instead of calling him, and then not making funds available for him to get a taxi home. Mr F says these failings by Metro directly led to the way he reacted.

It's not our role to say whether a business acted unlawfully or not – that's a matter for the Courts. Our role is to decide what's fair and reasonable in the circumstances. To decide that, however, we have to take a number of things into account including relevant law and what we consider having been good industry practice at the time. The relevant legislation here is the Equality Act 2010, and I've taken this into consideration.

Mr F says that given his neuro diverse conditions, Metro should not have sent him a SMS text message to confirm whether he was making the payments it found unusual and/or suspicious. Mr F also says he didn't realise he'd been sent a text message until the next day.

Mr F has also said that if Metro had fraud concerns, it should have called him as this would have been a reasonable adjustment given what it knew about him. Because Mr F had not checked his messages on his mobile phone, I don't think it makes any difference that this was sent or not. Mr F says he expected Metro to call, but as soon as he noticed his card wasn't working, he called Metro himself. So I don't think he's lost out, or was denied, the chance to deal with the matter – although he didn't pass CVP – in the way it better suits him.

Card blocks like this are usually automated when a bank's controls pick up on suspicious activity. This normally means a SMS text message will be sent asking about transactions and asking for them to be confirmed to unblock. Because the block also happened late at night, I don't think Metro has acted unfairly or unreasonably in using the SMS text service to contact Mr F.

Account Closure

Metro can close an account just like a customer may close an account with it. But before Metro closes an account, it must do so in a way, which follows the terms and conditions of the account.

The terms and conditions of the account, which Metro and Mr F had to follow, say that it could close the account by giving him at least two months' notice. And in certain circumstances it can close an account straight away or with less notice.

Metro has sent me its terms and conditions of account. Having carefully read this, I'm satisfied that it's acted in line with them when closing the account in the way it did. From the calls I've listened to between Mr F and Metro's staff, he uses abusive and offensive language, threatens to take illegal substances in branch, that he could start violently harming people and that he will damage Metro's branch.

Mr F says that by closing his account Metro failed to act reasonably given what it knew about his conditions. But Metro has a responsibility to protect its staff, other customers, and the public. As Mr F had already broken into the branch, I can see why this decision was taken so quickly.

Discrimination and police involvement

Mr F says Metro has discriminated against him in the action it took. I'd like to assure Mr F that I've very carefully considered everything he's said about this. And I want to make it clear I do not doubt how genuinely he feels about this matter and the upset Metro's actions have caused him. While I appreciate this is Mr F's perspective, it is not my role to decide whether discrimination has taken place as a matter of law – only the courts can decide this. I have, however, considered the relevant law in relation to what Mr F has said when deciding what I think is the fair and reasonable outcome. Part of this has meant considering The Equality Act 2010. But after doing so, I've not seen evidence to show Mr F has been treated unfairly. I don't doubt what Mr F says, but from what I've seen, Metro acted fairly when blocking Mr F's card and later closing the account.

Mr F says that Metro lied to the police about what he had said which led to his arrest. But from the information I've seen, and the calls I've listened to, I don't find that is what

happened. Mr F accepts he broke into Metro's branch unlawfully – I think that on its own would likely have been enough for the police to have acted in the way it did.

Mr F says this matter has caused him a lot of distress and inconvenience. I do appreciate that this matter would've caused Mr F difficulty in the way he says. And he also said he needed family support until he could open a new account. But having looked at what's happened in this case, there is no fair reason why I would make an award against Metro because I don't think it has done anything wrong.

So I'm not going to ask Metro to compensate Mr F for any distress and inconvenience its actions have caused.

My final decision

For the reasons above, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 8 July 2024.

Ketan Nagla
Ombudsman