

The complaint

Mr S feels that Bank of Scotland plc, trading as Halifax, discriminated against him based on his race during a visit he took to one of their branches.

What happened

Mr S has explained that when he visited a Halifax branch in July 2023, he felt that a Halifax staff member discriminated against him based on his race. Mr S said that he felt that way because of the staff member's tone of voice, attitude and mannerisms towards him.

Mr S raised a complaint with Halifax about this. But Halifax didn't feel that their staff member had acted in a discriminatory way as Mr S contended. Mr S wasn't satisfied with Halifax's response to his complaint, so he referred his complaint to this service.

One of our investigators looked at this complaint. But they didn't feel that Halifax had acted unfairly in how they'd managed the situation, and so didn't uphold the complaint. Mr S remained dissatisfied, so the matter was escalated to an ombudsman for a final decision.

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.

Acts of discrimination are defined in law, most relevantly by the Equality Act 2010. Importantly, this service isn't a Court of Law, and doesn't operate as such. And this means that I don't have either the authority or the remit to decide whether an act of discrimination, as defined by the Equality Act 2010, has occurred or not – only a Court of Law can make such a decision.

Rather, the remit of this service is based on fairness of outcome. And so, while I have considered the Equality Act 2010 when assessing this complaint – given that it's the relevant law – my decision is ultimately based on whether I feel Halifax have acted unfairly towards Mr S regarding how they interacted with him in branch on the day in question.

Mr S and Halifax have provided very different testimonies about what took place when Mr S visited branch. Halifax's notes and staff recollections say that Mr S spoke rudely to Halifax staff while in branch, whereas Mr S denies that this was the case.

Where the testimonies of a complainant and respondent business sit in contradiction with one another, as is the case in this instance, I must decide which of the two versions of events I feel is most likely to have happened, on balance and in consideration of all the information available to me.

In this instance, I find Halifax's testimony to be the more persuasive. This is because Halifax have supplied the notes and recollections from their staff member that spoke with Mr S. These notes provide a detailed account of Halifax's account that Mr S was rude in how he spoke and wouldn't accept explanations and information that was provided to him. And,

ultimately, given the detail of these notes and staff recollections, I feel that they are more likely than not to be accurate.

This isn't to invalidate Mr S's feeling that he was discriminated against. But it is to say that, overall, I'm not persuaded on the balance of probabilities that Mr S was treated unfairly in his interactions with Halifax's staff members. And I feel that if Halifax's staff did speak with Mr S in a manner that he didn't like while he was in branch, that this was most likely to have been a consequence of how Mr S interacted with Halifax's staff himself.

Finally, I haven't seen anything which makes me feel that it was likely that Mr S's race was a contributing factor for Halifax's staff regarding what happened during Mr S's branch visit.

I realise this won't be the outcome Mr S was wanting. But it follows that I won't be upholding this complaint or instructing Halifax to take any further or alternative action here. I hope that Mr S will understand, given what I've explained, why I've made the final decision that I have.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 7 August 2024.

Paul Cooper
Ombudsman