

## The complaint

Miss H complains Lloyds Bank PLC misgendered her when she visited a branch.

### What happened

Miss H said she visited her local branch of Lloyds. She described being misgendered by floor staff straight away on entering the branch. She explained she then spoke to an adviser at the desk, who also misgendered her. She described this second adviser as *'laughing'* at her during this contact. Miss H explained the adviser referred to her as *'Sir'* and said to her *'You look like a male'*.

Miss H explained she complained to the manager of the branch and described the manager as defending her colleagues, saying they hadn't meant what they had said. She also explained the manager contacted her by telephone after completing an anonymous survey complaining about the bad service. Miss H said the manager once again defended the staff in branch.

Miss H has explained she is now scared to go back to this branch and has to use other methods to pay money in. She said she was extremely upset and embarrassed as this happened in front of other customers, she also said this has happened before. Miss H has explained she doesn't think Lloyds has fully understood the hurt and upset it has caused her and requested £1,750 further compensation. She also wants staff to wear gender details on their badges.

Lloyds wrote a final response letter in July 2024. It apologised and admitted Miss H had not been treated in the way she deserved. It said colleagues' actions *'weren't intentional'* and paid £500 compensation for the upset it had caused her.

Lloyds explained colleagues have training regarding diversity, equality and inclusion which includes how it expected advisers to treat customers. It also said the branch manager had taken the feedback on board and wanted to apologise personally to Miss H when she next visited the branch. Lloyds also offered to put a note on her account profile to try to prevent this from happening in the future.

Our investigator requested Lloyds provide further information, which it did not. Our investigator therefore wrote a view based on Miss H's account which agreed Lloyds had acted unfairly towards her. They thought the experience Miss H had suffered should not have happened, suggesting Lloyds staff had made an incorrect assumption and recognised this had been distressing for Miss H. They also cautioned any note on Miss H's account should not replace the onus on Lloyds to train staff to not make assumptions and personal judgements. Our investigator thought the payment made by Lloyds already was reasonable and fair and didn't recommend Lloyds pay further compensation.

Our investigator explained our service is not able to instruct a business to change its policies or processes regarding name badges as we are not the regulator.

Miss H was unhappy Lloyds didn't provide the information our investigator had requested. She explained she felt our service had not fully understood the situation and stress caused and the impact travelling to a branch further away has had. Miss H explained she thought there had been a breach of the Equality Act 2010 and wanted our service to consider the case with this in mind.

As Miss H rejected our investigator's recommendation, her complaint has been passed to me to make 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.

Firstly, I was very sorry to hear of the upset and distress this matter has caused, and continues to cause Miss H. I would like to offer my sympathy for what must have been a very difficult time both during and after this visit to the branch.

I appreciate how strongly Miss H feels about his complaint. Although I may not mention every point raised, I have considered everything but limited my findings to the areas which impact the outcome of the case. No discourtesy is intended by this, it just reflects the informal nature of our service.

Where evidence is incomplete, inconclusive or contradictory, I have to make decisions on the balance of probabilities – that is, what I consider is more likely than not to have happened in light of the available evidence and the wider surrounding circumstances.

As Lloyds has not provided evidence to the contrary and has accepted its service fell below the standard Miss H should expect, I have no reason to doubt or dispute the account Miss H has shared with our service. I am therefore satisfied Lloyds did provide poor service during this visit to the branch and accept Miss H's version of events in its entirety.

From its response, Lloyds staff appear to have been trained and should know how to approach customers without judgement or assumptions. It is therefore extremely disappointing to see this training and the values Lloyds mentioned in its response, were not adhered to on this occasion.

The issue for me to determine, having accepted this failure, is whether Lloyds has done enough to put right its actions here. Our role isn't to punish or regulate businesses, instead where we find a business has done something wrong, we aim as far as possible to put the consumer back in the position they would have been in had the error not occurred. So, we focus on the impact the error had on consumer.

I have no doubt the impact on Miss H was significant, she has been consistent throughout her contact with our service and has explained she is '*scared*' and has to use another branch further away from her home.

However, Lloyds has apologised and the manager of the branch has offered to meet with Miss H and apologise personally. Lloyds has explained it does train staff about diversity and equality and this includes how staff should treat customers. Lloyds has also offered to make a note on Miss H's account to stop future incidents, if she wants. I agree with our investigator's comments on this, that this action this should not detract from Lloyds responsibility to properly train its staff. Overall, I think these actions and Lloyds' response appears reasonable and fair to try to resolve the issues highlighted as best it can.

Moving on to compensation, I am satisfied the issue I am considering here was a single event during one contact with Lloyds, and I don't think an apology is enough.

I slightly disagree with our investigator on the level of compensation, as I am satisfied the impact has caused considerable distress, upset and worry which has lasted over many months. Having considered this carefully, I am persuaded a fair and reasonable compensation award for the impact of the distress and inconvenience is £500. This is in line with what I would expect in the circumstances presented and within the general framework our service uses when assessing compensation amounts, details of which are available on our website. I can see Lloyds has already paid Miss H £500 compensation.

Miss H has claimed Lloyds may have breached the Equality Act 2010, by how it dealt with her and the impact of these actions when she visited the branch. I've taken the Equality Act 2010 into account when making my final decision on this complaint, as it is relevant law, but my role is to decide what is reasonable and fair. Only a court can decide whether the Equality Act has been breached.

However, I would expect a business to carefully consider the impact and to take reasonable action once they are told about the issues. I think Lloyds has taken some steps to mitigate against this happening to Miss H again from the evidence I have seen.

For these reasons, I don't think Lloyds needs to do anything more and I won't uphold this complaint. I appreciate Miss H will be disappointed with my decision, but I trust I have explained the limits of my remit here, and the reasons for my decision, in enough detail.

### **My final decision**

For the reasons I have given, my final decision is I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 1 April 2025.

Gareth Jones  
**Ombudsman**