

The complaint

Mr K complains that Santander UK Plc won't compensate him for money that was taken from him in a branch and the bank charges that resulted.

What happened

Mr K went into a branch to pay in £400 using the deposit machine on 10 December 2019. He inserted his card and PIN and put in the notes which were being counted. He says he looked out of the window and saw a traffic warden was showing interest in his car. He rushed out leaving the card and cash and asked a member of staff to keep an eye on them. When he came back the money and his card was gone and he was unhappy with the reaction of staff about this. He called the police and CCTV was viewed showing someone taking the money and leaving with it. As he couldn't pay in the money he has had to pay extra bank charges for being overdrawn.

Santander said it wouldn't be refunding the £400. The members of staff in branch said that Mr K hadn't spoken to them before he rushed out. And it isn't responsible for his money being taken. It said that the CCTV which was watched showed this. It had provided the CCTV to the police and couldn't account for why the discs sent were said to be blank. Santander said it no longer had its copy. It agreed to refund bank charges of £48 resulting from an unauthorised overdraft. But it said that the other charges were due.

Our investigator didn't recommend that Santander do more than refund additional charges of £23 incurred after Santander had said it would be putting its collection activity for the overdraft on hold in March 2020. He had received a statement from a police officer who had attended the branch that day. That officer had viewed the CCTV and confirmed what Santander had said which was that Mr K had seen a traffic warden and then 'runs out of the branch to speak to the traffic warden without speaking to staff. He didn't ask staff to look after his card/cash' The CCTV discs were blank 'on both occasions' they were sent and so the case was closed. Our investigator said that police had already been able to watch this and hadn't been able to identify a suspect. Mr K had indicated that person may have had a hood and face covered. And even if the person had been identified it is unlikely that Mr K would have got his money back.

He had looked at Mr K's account statement and could see that he was regularly in overdraft and paid charges. He thought that even if he'd paid in this money he'd have used it too. Santander had refunded some charges and it had now agreed to refund the further £23 which was fair. It was going to be up to Mr K to discuss the debt with Santander.

Mr K didn't agree and wanted his complaint to be reviewed. He was struggling financially. He maintained that he had told the member of staff to look after his money. And as Santander

didn't provide the CCTV it stopped any other action being taken. He can't repay this debt and wants Santander to write it off and close his account.

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.

I am very sorry to hear that Mr K's money and card was taken by an opportunistic thief in a branch while he was distracted with a traffic warden over a parking issue. And also that police haven't been able to identify the person responsible and recover his money. This loss has caused him financial problems and clear distress.

But I'm afraid that I think that the person responsible for his money being taken is the thief alone and not Santander. I'm sure Mr K would have wanted staff to look after his money and card. I don't though have sufficient evidence to find that he asked staff to do so - or that any member of staff agreed to or was in a position to help him at the time. There is a direct dispute between what he and members of staff have said in statements. And a police officer who viewed the CCTV at the branch has as quoted above confirmed what staff members have said.

I can understand Mr K's frustration at there being no copy of the CCTV now available. It clearly existed at the time. And the police officer says there were two discs received but they were blank. I don't doubt that Santander provided them in good faith but clearly some mistake was made with the copying. And it no longer has its own copy. But I agree with what the investigator's said about this. I'm not persuaded that even had the CCTV been available it would have led to Mr K's money being recovered. Not only would the person carrying out the crime have needed to be identified and successfully prosecuted. But also that person would have had to pay back Mr K's money. I think a person who would take money in this way is unlikely to repay it even if brought to justice.

Mr K hasn't had this money so I understand why he thinks the bank charges are unfair. But again I don't think any mistake with the charges was made. Santander as a gesture of goodwill refunded £48 of charges and has now agreed to refund the £23 of charges that were due after Mr K's account was passed to collections.

Putting things right

I know Mr K will be disappointed when I say that I think that the refund of charges as I've set out is a reasonable resolution to the complaint. And I don't have a basis to require Santander to do more and credit him with the stolen £400. I'd expect Santander to deal with Mr K's financial problems sympathetically and to take into account his means when discussing repayment with him.

My final decision

My decision is that I uphold this complaint in part and require Santander UK Plc to refund a further £23 of charges to Mr K as it has now agreed to.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 27 July 2020.

Michael Crewe
Ombudsman