

The complaint

Miss H complains that Bank of Scotland plc (trading as Halifax) paid a large cash withdrawal to her in the public banking hall of its branch, not in a private room. Miss H was robbed soon after leaving the branch, and she thinks Halifax carries some responsibility for this.

What happened

Miss H told us that she made a large cash withdrawal from her account with Halifax. She placed an order in advance for £10,000, then went back to collect the money. She said she has made large cash withdrawals before, and the money has always been handed to her in private. But on this occasion, the money was handed to her in the public hall of the branch, and it was in see-through packaging.

Miss H was later robbed. She had sensibly split up the money she received, and given half to a friend she had asked to accompany her. But her half of it, £5,000, was taken. Miss H said she was jostled by someone, and she remembered seeing that same person standing close to her in the bank. Miss H reported the theft to police, and she said she asked the branch to see the CCTV recording from the day, but it would only release that to the police. But by the time the police asked to see it, the footage had been deleted.

Miss H said this theft was Halifax's fault. She said she should never have been given this amount of money in public, and she felt Halifax could have done much more to help.

Halifax said it would only take Miss H into a private room to dispense cash if she'd asked for the money to be counted again for her. Halifax didn't accept responsibility for the theft. It was sorry that the police hadn't been in touch in time to review the CCTV, and it would pay her £75 for the distress caused to her.

Miss H didn't want to accept that. So she brought her complaint to our service. She told us about the impact this theft had on her, and she asked our service to look into things.

Our investigator didn't think this complaint should be upheld. He said he could understand that this had all been shocking for Miss H, and he was sorry that this had happened. But he said Halifax told us it would have used a private room for handing over cash if Miss H had requested this. She didn't. Our investigator thought Miss H did have opportunities to make this request, if she was uncomfortable being given so much cash in public. He didn't think that the theft which happened after Miss H left the branch was Halifax's fault.

Miss H said she completely disagreed. She said Halifax didn't ask her how she wanted to get her cash, and she thought it was responsible for doing that. She said Halifax had never given her cash in the public hall before, and if it wanted to change its rules on this, it should have written to her about this.

Miss H wanted her complaint to be reviewed, so it was passed to me for a final decision. I then reached my provisional decision on this case.

My provisional decision

I issued a provisional decision on this complaint and explained why I did propose to uphold it in part. This is what I said then:

I do currently think a small part of this complaint should be upheld. But although I have asked Halifax some further questions about this, it hasn't yet replied. Because this request has been outstanding for some time now, I think the fairest thing for both sides is if I set out my current views. But I should stress that this decision is provisional, and it may change if either side sends further argument or evidence in this case. And that would include replies to the outstanding query I have raised with Halifax.

I have said a small part of this complaint should be upheld. I don't think that the main part of Miss H's complaint should be upheld, because I don't think it's Halifax's fault that Miss H was robbed. I know Miss H thinks Halifax should have told her about how she would be given her cash withdrawal. But I think it's reasonable for Halifax to say that it won't always direct its customers to a private room to hand over cash. Different people do have very different attitudes to carrying large amounts of cash, so not all of Halifax's customers will want to use a private room to receive cash. And I think it's reasonable for Halifax to rely on its customers to say, if they aren't comfortable receiving this sort of amount of money in cash handed over the counter.

We know Miss H didn't tell Halifax at the time that she wasn't comfortable with receiving cash at the counter, or request a private room to receive her money. I know that Halifax has previously always used a private room to dispense cash to Miss H, but I don't think it had to write to her to tell her this was going to change.

I don't think I can fairly hold Halifax responsible for the fact that Miss H was later robbed.

We know Halifax then wouldn't show Miss H the CCTV recording from that day. It wanted to wait for a request for this, from the police. I think that's reasonable. But there is one point where I think Halifax has let Miss H down. Although Halifax knew that Miss H thought the thief was someone who had seen her in the branch, and someone who might be caught on the branch's CCTV, Halifax didn't keep this footage for the police to view. So, when the police asked for it, the footage was no longer available.

I don't think it's likely that Miss H would have got back the £5,000 that was stolen if Halifax had kept the footage. I can't even be sure that the thief would have been visible, and identifiable, from the CCTV. But I do think that, given what Halifax knew, it should have kept the CCTV from this day, for the police to view later. It didn't do that, and I think that meant Miss H lost one of the few chances she had of bringing the thief to justice.

I have asked Halifax to comment on this, and to date, we haven't received a response from the branch on this point. And I've explained that I think it's now reasonable to set out my provisional views for either side. So, in the absence of any further evidence or argument on this point, I would propose to ask Halifax to pay Miss H £250 in total, to make up for the distress arising out of the lost chance of bringing the thief to justice.

I know Halifax has already offered Miss H £75, and I'll allow it to offset this amount against my award if that has been paid.

I invited the parties to make any final points, if they wanted, before issuing my 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.

Both sides replied. I'll set out each of those replies, then my response to each.

Miss H replied to say she still felt the theft of her money was directly related to the branch. She said there was no security at the branch on the day, which she said was suspicious. And she said despite the fact that she's a longstanding customer, the staff at the branch hadn't tried to help. Rather they rushed to delete CCTV recordings which could have helped.

Miss H was sure the bank violated all the procedures for issuing cash. She said now she was physically unable to enter the branch after what happened. She said she had severe mental trauma which was unlikely to allow her to use the services of this bank in the future. Miss H said the robbery had greatly affected her health and life.

I am sorry to hear about how this matter has affected Miss H, although I haven't reached the same conclusions on who is responsible for this. For the reasons I set out in my provisional decision, I didn't think Halifax was responsible for her being robbed. I haven't seen anything to make me think Halifax had altered its security arrangements on the day Miss H made her withdrawal, or that it deleted CCTV recordings which were relevant to this complaint, any earlier than it normally would. And I don't think Halifax either violated its own internal procedures for issuing cash, or acted unfairly or unreasonably when it handed Miss H her money.

I still don't think it's Halifax's fault that Miss H was robbed. The award I suggested here was because I think it could have helped after the robbery, but it didn't.

Halifax also replied. It said it had asked the branch for comments about what happened to the relevant CCTV recordings, and unfortunately hadn't received any response. Halifax said it didn't know why the police didn't ask for recordings sooner, but it wouldn't keep those unless it received an appropriate request within the relevant timescales. It would still help the police as best it could now.

Halifax said the CCTV of the branch couldn't be used by the police for a prosecution anyway, as it wouldn't show the actual theft. Halifax thought the police had a better chance of a successful prosecution or identification from other, public CCTV systems.

Halifax also said Miss H's statement suggested she'd only put half of the money in her bag after leaving the branch, and that's also when her friend put the other half in his pocket. Halifax said that suggested the money wasn't concealed immediately, and that might be another point of compromise not on Halifax's premises.

Halifax said, considering all of this, it thought this could just have been an opportunistic crime. There was no evidence on why or when Miss H was targeted. And other CCTV would probably have been more use for Miss H and the police in any prosecution. So Halifax thought it wasn't appropriate for it, as a third party, to compensate an individual for such a situation.

I'd like to start by saying that Miss H told our service she had used a table in the public hall of the branch to put half the money in her bag. Although it isn't directly relevant to my conclusions in this case, I think it's likely that Miss H and her friend did conceal this money before they left the branch.

And Miss H also told our service that she asked the shops she'd visited after being in the bank for their CCTV too, but she said those shops had their CCTV turned off. Miss H clearly felt that the best chance of identifying the thief was from the bank's CCTV.

Miss H thought this theft was related to the branch in some way. I have not reached the same view there, I've not seen anything to make me think the bank or its branch staff were responsible for what happened to Miss H. That's not why I'm suggesting it pays Miss H some compensation.

But I do think the branch could've helped. It could have saved the CCTV from the day in question, to show the police at a later point. And it didn't do that.

We can't know if things would be any different, if Halifax's branch had saved the CCTV for the police. I said in my provisional decision that I didn't think Miss H would've got her money back. And there may still not have been any successful prosecution if the CCTV had been saved. But when it was deleted, Miss H lost a chance of bringing this thief to justice.

Miss H has set out just how much this issue has affected her. I don't think, for the reasons I've explained, that this is all Halifax's fault. But I do still think it should pay £250, for the impact on Miss H of it not helping after the theft, when it could've done so.

I haven't changed my mind. I'll now make the decision I originally proposed.

My final decision

My final decision is that Bank of Scotland plc must pay Miss H a total of £250 in compensation. Bank of Scotland plc can count any payment of compensation it has already made for this complaint towards that total.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 6 October 2022.

Esther Absalom-Gough

Ombudsman