

The complaint

Ms O complained that Bank of Scotland plc, trading as Halifax, unfairly refused her cash withdrawal and this caused her inconvenience and distress.

What happened

Ms O visited a Halifax branch on 4 March 2022 to withdraw £8,000 cash from her passbook account. However, the branch informed Ms O that this amount needed to be ordered. The withdrawal was arranged for 7 March 2022 and Ms O says she was told to bring in her passport as the amount was more than £2,500.

Ms O states that she arrived at the branch on 7 March 2022 at around 4.30pm and found it necessary to wait in a queue for around 25 minutes. Ms O says some people in the queue appeared agitated with her because she had her bicycle with her and was speaking on her mobile. She also says that this led to a couple of minor altercations including with the cashier and the experience felt like a form of mobbing. Ms O says that once at the counter, the cashier who had previously been friendly seemed indifferent and, when she requested the ordered cash, she was told she was too late as the cash had been locked away at 4.00pm. Ms O says she challenged this and, when she asked for an exception, she was told that this would only have been possible if she arrived by 4.00pm. Ms O says that when she queried this the cashier became dismissive and laughed at her and, when she asked for the manager, she was told he was not working. Ms O says she left the branch feeling inconvenienced and distressed.

Ms O then phoned Halifax to complain about not being able to access her cash after 4.00pm. Also, because of the behaviour and comments of the cashier, she wanted to check the policy including exceptions.

Halifax looked into Ms O's complaint and communicated that although the cash was locked away for security reasons, it had been prepared for her, and the only reason she was denied access was because she had neither the necessary identification documents or signature mandate.

Ms O says she was shocked to hear this explanation as she believes it to be a fabrication. Furthermore, she says she had her identity documents on her as she had been told they were needed.

Ms O brought her complaint to us. Her complaint was specifically about Halifax fabricating a reason to refuse her cash transaction.

Our investigator considered this allegation together with the Halifax's cash withdrawal process and procedures. His view was that he was unable to agree that the bank had made an error and therefore wouldn't ask them to do anything further. He said this was because there were different accounts including timings, and without hard evidence he could not determine the facts.

Ms O remains dissatisfied and this case has therefore been referred to me to look at.

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 issued a provisional decision on this complaint on 18 October 2022. This explained that I had come to a different view to the investigator and I intended to uphold this complaint for the following reasons:

As there are two very different versions of the events that took place, I have to reach my decision on the balance of probabilities – in other words, what I consider most likely to have happened in light of the available evidence and wider circumstances.

So, to corroborate Ms O's testimony with available evidence, I first asked Halifax if they could provide me with the CCTV footage of Ms O's visit to their branch as this would provide footage of the events that took place on 7 March 2022. Unfortunately, as Halifax only hold this for 30 days and do not appear to have retrieved it for their investigation, despite the fact that Ms O raised her dispute with the branch manager well within that timescale, this was not available.

As there is no CCTV footage, I asked to see Ms O's video coverage which she had said was limited. However, this has since been deleted.

I've looked carefully at Ms O's account of events. This included listening to the call that she made to Halifax. Ms O spent 47 minutes with a Halifax representative discussing her complaint. On this call Ms O describes the same version of events detailed in the first section of this provisional decision. She complains about being turned away and wants to know about Halifax's policy in relation to cash withdrawals and timing exceptions. Ms O questions why the bank can't release cash after 4.00pm and their cash withdrawal accessibility policy, including when there is a queue. She explains this is because she didn't understand the cashier's explanation when turning her away. Also, she queries if he was perhaps being awkward. Furthermore, she is really concerned and worried about not being able to access her cash after 4.00pm and turns down instant compensation as she feels it is important to get answers and have the events investigated.

I find this call persuasive. This is because Ms O spent a significant amount of her time on the call wanting to know why she was turned away and why no exception was made. She questions Halifax's policy around exceptions and wants to know if the correct procedure was followed or if she had been treated unfairly. At no point on the call is there any mention of her not being able to complete the cash withdrawal because she didn't have her identity documents with her. As it seems unlikely that she was confused about the refusal reason, I considered whether her version of events could therefore be untrue. However, if that was the case, it is difficult to understand why she sounded so concerned and distressed and what her motivation would be to have such a long, impassioned call about an event that didn't happen.

I also looked carefully at Halifax's account of events and considered the following points. I have seen confirmation that the branch manager was not working on the day of the incident, yet he reported Halifax version of events. It is clear the manager spoke to the staff who were present and, as stated by Ms O, there was some staff agitation over her actions. I don't know if the branch manager viewed the CCTV footage, however I find it unusual that, when confronted with a completely different version of events and the likelihood of a formal complaint, they did not retrieve the CCTV footage.

I have also considered Halifax's account that Ms O did not have sufficient identity or

signature mandate. Ms O says she had an identity document with her as she was told to bring her passport with it being a large transaction over £2,500. Ms O does not mention having her signature mandate checked on 4 March 2022. I therefore find it likely that Halifax would have asked Ms O to bring this in, in order to avoid any issue on the day, and unlikely that Ms O would have therefore not brought this identity document with her.

Taking all of the above into account, I think it is more likely than not that Ms O was not asked for identity documents and Halifax acted unreasonably when refusing her cash withdrawal. And that this resulted in her experiencing distress and inconvenience because of the information given and being turned away.

My provisional decision was to uphold Ms O's complaint and require Halifax to apologise for the inconvenience and distress caused and pay £250 compensation.

In my provisional decision, I gave both Ms O and Halifax the opportunity to provide any comments or new information they might wish me to consider, before I moved to a final decision. I received the following responses:

Ms O said she was "happy to see that my complaint appears to have been properly understood by the ombudsman and is being provisionally upheld. I do not believe there are other final points to make, other than confirming that at no time was I asked for my identification when attempting to make a withdrawal on 7th March 2022, and as said the interaction did not even reach that stage as I was told within seconds of approaching the counter that "It was too late to make a withdrawal" the following conversation/interaction that ensued was solely about whether they could make an exception, and also my requesting to speak with the manager."

Halifax said "Having considered the latest points raised, we're in agreement with your recommendation. We'll await Ms O's acceptance before proceeding further."

Having reconsidered everything including the responses received, I see no reason to depart from my provisional decision, which I adopt in full as part of this final decision. I'm satisfied Halifax treated Ms O unfairly and am pleased to note it agrees it needs to take steps to put things right.

My final decision

My final decision is that I uphold this complaint. I require Bank of Scotland plc, trading as Halifax, to pay Ms O £250 and apologise for the inconvenience and distress caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms O to accept or reject my decision before 9 January 2023.

Paul Douglas
Ombudsman