

The complaint

Mrs G complains about Santander UK Plc's actions when they stopped her cheques and blocked her account.

What happened

I issued my provisional decision on this complaint on 9 January 2023, and this is what I said:

I've considered the relevant information about this complaint. Based on what I've seen so far, I intend to partially uphold it, so there will be a different outcome to what our investigator proposed.

Before I issue my final decision, I wanted to give everyone a chance to reply.

I'll look at any more comments and evidence that I get by 6 February 2023. But unless the information changes my mind, my final decision is likely to be along the following lines.

The complaint

Mrs G complains about Santander UK Plc's actions when they stopped her cheques and blocked her account.

What happened

In June 2022, Mrs G issued two cheques to pay for services she received. However, Santander fraud detection system flagged concerns about these cheques.

Santander say they tried to discuss their concerns with Mrs G on 11 July 2022. But, as she wouldn't speak to them, they stopped the cheques, placed a temporary block on her account and sent her a letter.

When Mrs G visited a branch on 14 July 2022, because she was told a cheque had bounced, she was worried she had been scammed and her money was gone. Mrs G says she requested £100 cash and information on why the cheque had bounced, however she wasn't given an explanation and was told she couldn't have cash as her account had been blocked.

Mrs G says although she showed a mini statement, obtained by using her PIN, she was required to show identity documents and felt like she was being treated like a criminal. Mrs G describes how she was anxious about the cheques and not being able to function without access to her bank account. Also, she was extremely upset at the way she was treated by Santander staff who called the police, and this left her feeling humiliated.

Santander say that they were concerned Mrs G was being scammed, that it was difficult to speak to Mrs G and they called the police because she became hysterical.

Mrs G came back to the branch on another day and says Santander again called the police. Santander say this was because Mrs G was aggressive.

Mrs G complained to Santander about events including her account being blocked. Santander didn't want to lift the block until they could be sure Mrs G wasn't being scammed. They explained that their concerns and actions were in line with current processes and procedures and apologised for any upset caused.

Mrs G complained to our service and our investigator wasn't persuaded that Santander needed to take any further action.

As Mrs G remains dissatisfied this case has now been referred to me to look at.

*What I've provisionally 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.*

Having done so, I have come to a different view to the investigator and I intend to uphold this complaint.

Firstly, from a review of the file, I'm satisfied that Mrs G had characteristics of vulnerability according to the Financial Conduct Authority's (FCA's) guidance on this topic.

I then considered if Santander had acted unfairly or unreasonably in stopping the two cheques and blocking Mrs G's account. I'm satisfied that Santander acted fairly and reasonably here. Santander's system, checks and measures are part of ongoing processes to reduce fraud and scams. It protects customers and is something that can happen under the terms and conditions of the account. Also, I can see that Santander attempted to discuss their concerns with Mrs G prior to taking action.

I appreciate such actions will often be inconvenient for customers, but that doesn't mean that Santander is wrong to carry them out. In addition, as pointed out by the investigator, in an effort to prevent financial crime the FCA, who is the regulator, requires banks to take reasonable steps to ensure this.

Regarding Mrs G's complaint that she was humiliated by Santander through disproportionate action in calling the police on two separate occasions. I asked Santander if they could provide me with the CCTV footage of Mrs G's branch visits as this would provide footage of the events that took place in July and August 2022.

Unfortunately, Santander only hold this for three months and they did not retrieve it. I found this surprising as Mrs G raised her complaint in the same month the events occurred. And I have to reach a decision, about whether their action was proportionate, based 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.

When describing her distress and anxiety, Mrs G says she had "to make a scene to get her account unblocked" and there are notes from different Santander staff members commenting on Mrs G shouting and behaviour that was rude, aggressive and hysterical. Also, there are file notes which confirm Mrs G was causing a disturbance and Santander were concerned about Mrs G's well-being. So, although it is difficult to say whether Santander's actions in calling the police were proportionate, I think it is more likely than not that Mrs G displayed the behaviour described by Santander. And, although I considered Mrs G's vulnerability, I think there was a reasonable justification for Santander to call the police.

However, although I think it's likely there was a justification, I feel Santander could've done more to diffuse the situation before it escalated and they found it necessary to take such a serious course of action that could result in a customer feeling humiliated.

Mrs G was upset she couldn't take out £100 cash and a Santander letter, dated 11 July 2022, which she belatedly received, said "you can still use your card for purchases and cash". So, although I appreciate Mrs G didn't have identity documents, I think the exception to let Mrs G have the cash she wanted, should've been made at an earlier time. This is because file notes suggest Mrs G had been verified as the account holder prior to the situation escalating. Also, Mrs G was distressed about not being able to access her money and Santander needed to establish whether or not she was a victim of a scam at the earliest opportunity.

Finally, Mrs G has submitted Santander letters which are inaccurate. These were letters dated 12 July 2022 that said she had contacted Santander to request that the cheques be stopped. Considering the circumstances here, I can see how these letters caused Mrs G's distress and frustration.

Considering all the above I think Santander could've done more to prevent this situation escalating into a humiliating experience for Mrs G. Also, they should've sent accurate letters.

So, I'm partially upholding this complaint and awarding Mrs G £100 compensation.

My provisional decision

For the reasons I've given above, it's my provisional decision to partially uphold this complaint.

I require Santander UK Plc to pay Mrs G £100 compensation.

I'll look at anything else anyone wants to give me – so long as I get it before 6 February 2023. Unless that information changes my mind, my final decision is likely to be as I've set out above.

I received comments from both parties.

Santander said they reviewed the information and have nothing further to add.

Mrs G made a number of comments. In summary she:

- Explained that in addition to further compensation she wants action to be taken against Santander, so other customers don't have a similar experience
- Questioned why Santander hadn't contacted her about their concerns over the two cheques
- Expressed dissatisfaction with Santander's actions
- Described the inconvenience, hardship and ordeal experienced

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.

Thinking about everything again and, in light of the above comments, I further reviewed the file.

Firstly, I should explain this service's role isn't to punish a business, or to reprimand it. And we can't require a business to alter its processes. I say this because we aren't the regulator

of the financial services industry and our role is to consider each individual case. Also, where we think a business hasn't acted fairly and reasonably in the circumstances, our role is to decide what should be done to put right any financial, or non-financial losses that a consumer has experienced.

Regarding Mrs G's dissatisfaction that Santander didn't contact her to discuss their concerns about the two cheques, there is evidence in the form of contact notes which indicate that this is what Santander tried to do. These notes indicate that Mrs G had concerns about answering identification and verification questions and Santander were unfortunately unable to speak with her.

As Santander were unable to discuss their concerns with Mrs G, I'm satisfied that their actions to stop the cheques, write to Mrs G and place a temporary block on her account were fair and reasonable. This is because Santander's system, checks and measures are part of ongoing processes to reduce fraud and scams. It is something that can happen under the terms and conditions of the account and I'm satisfied they were trying to protect Mrs G. Also, banks are required by their regulator to take steps to prevent financial crime and I think this action was reasonable.

Although the letters took several days to arrive, I have to bear in mind Santander rely on the postal service and, in this case, it wasn't long after the attempted call that Mrs G visited the branch.

I can understand the shock Mrs G experienced when she visited the branch and, from reviewing the file, I'm satisfied that Santander did try to speak to her and provide assistance and support.

For the reasons mentioned in my provisional decision, I think it is more likely than not that due to her anxiety and upset Mrs G displayed the behaviour which Santander described as rude, aggressive and hysterical. And, although it's difficult to say whether Santander's actions in calling the police were proportionate, I think there was a reasonable justification for those actions. And this includes concerns over a potential scam and Mrs G's vulnerability.

However, although I think it's likely there was a justification, I still feel Santander could've done more to diffuse the situation before it escalated, and they found it necessary to take such a serious course of action that could result in a customer feeling humiliated.

Finally, there is evidence that Santander's letters dated 12 July 2022 were inaccurate. They said Mrs G had contacted Santander to request that the cheques be stopped. So, considering the circumstances here, I think these letters caused Mrs G's additional distress and frustration.

Considering the above I'm still partially upholding this complaint and I think £100 is a fair and reasonable amount of compensation. This is because I think Santander could've done more to prevent this situation escalating into a humiliating experience for Mrs G. Also, they should've sent accurate letters.

My final decision

My final decision is that I partially uphold this complaint.

I require Santander UK Plc to pay Mrs G £100 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs G to accept or

reject my decision before 16 March 2023.

Paul Douglas
Ombudsman