

The complaint

Ms P complains that Metro Bank PLC changed the lock on her Safety Deposit Box without communicating to her. She says an item has gone missing from it.

What happened

Ms P has had a safety deposit box (SDB) at a local Metro branch since December 2015. She said on 27 June 2022 she visited the bank and after signing in she was given a new set of keys for the box by an adviser. She said she was told the lock to her SDB have been changed. Ms P said the adviser didn't know the reason why the lock had been changed she just had instructions to hand Ms P new keys. Ms P said she was given the option to keep the old keys which she did.

Ms P said she didn't visit the branch between 15 August 2021 and 27 June 2022 So she believed the bank had access to the box. She said it appears Metro waited for her to visit the bank to hand her the keys. Ms P said she is missing an expensive item which has likely gone missing during this change. Ms P said she raised a complaint in May 2023 by phone and she also visited the local branch to complain. She said she showed the branch the two sets of keys. Ms P didn't get a satisfactory explanation so she raised a formal complaint on 6 July. She said she didn't receive a response so she brought her complaint to this service. She was concerned about the bank's lack of transparency and accountability in this matter. She said it's unacceptable that it change the lock to her SDB without her knowledge or consent putting her belongings at risk. Ms P said she has incurred a direct financial loss of approximately £3,500-£4,000.

During our investigator's enquiries with Metro it accepted that its service in relation to Ms P's complaint was poor and offered her £100 for the distress caused. It carried out an investigation and found no evidence that Ms P's SDB had been accessed without her permission.

After their own investigation our investigator concluded that Metro hadn't done anything wrong concerning Ms P's SDB. Ms P did not agree and asked for a decision from an ombudsman. She made a number of comments in response to the investigator's view and I have responded below where appropriate.

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 realise this will come as a disappointment to Ms P but having done so I won't be asking Metro to do anything further. I agree with the conclusions reached by the investigator for the reasons I've outlined below.

I trust Ms P won't take it as a discourtesy that I've condensed the complaint in the way that I have. Ours is an informal dispute resolution service, and I've concentrated on what I consider to be the crux of the complaint. Although I've read and considered the whole file, I'll

keep my comments to what I think is relevant. If I don't comment on any specific point, it's not because I've not considered it but because I don't think I need to comment on it to reach the right outcome.

Ms P has said the core of her complaint lies in Metro's failure to communicate the lock change and the inability to provide any explanation or documentation regarding it. She said this is a clear breach of their own terms and conditions. She said her main concern is not just the missing item, although it adds to the emotional distress and distrust caused by the situation. She said it's a serious breach of her privacy and security due to Metro's unilateral action and lack of transparency.

I do understand the concerns Ms P has raised with regards to a bank changing the locks of SDBs without the knowledge or permission of the customer.

Ms P said she was given a new set of keys on her visit to the bank in June 2022. Although Metro has accepted it didn't address her complaint before Ms P brought it to this service, after she did I can see that it carried out an investigation the details of which it shared with us. I've read this investigation and I've listened to several calls between Ms P and Metro.

Metro says its records do not show any keys/barrel replacement for Ms P's SDB, or evidence the consumer was provided with a new set of keys. It said:

- *"To replace SDB keys, where the customer's keys (both keys) are lost, will require a locksmith if the original keys are not available. There is no evidence a locksmith has attended to her SDB.*
- *To replace SDB keys in store, where one of the customer's key is available, requires the customer to be present, as the box needs to be opened and the barrel changed. Once the barrel is changed, we will keep the old keys and issue the customer with two new keys.*
- *For this reason, it is impossible for any SDB keys to be changed, without the customer present.*
- *The systems we use for SDB maintenance only came into force in approximately 2017, so we are unable to confirm if the consumer had her keys/barrel replaced in 2015 or 2016. During one phone call, she does mention she had lost her keys before - but doesn't provide any further information to this. This could be the "old keys" the consumer had in her possession and would explain why this set did not work on her SDB."*

Metro said it spoke to the staff member who was with Ms P when she opened the box in June 2022. The staff member doesn't remember the interaction. And Metro confirmed this staff member had never done a barrel change before. It said there is no evidence the lock was drilled. It said if it was drilled this would be under dual control whilst video recording. It said it has no drilling email, video, or an inventory form for the box.

My role here is to come to what I think is a fair and reasonable outcome based on the evidence available to me. Where evidence is missing, unclear or conflicting I'll look at what's available and the surrounding circumstances to decide what I think is most likely to have happened. In this case Ms P's testimony conflicts with Metro's records. Ms P said she was given new keys without explanation and allowed to keep her old keys. I've not seen any evidence to suggest the lock was changed after 2017 and the process Ms P describes is contrary to Metro's lock changing protocols. So I'm persuaded it's more likely that the lock hasn't been changed and that Metro hasn't done anything wrong in this regard.

Metro queried why Ms P didn't complain or question it when she was allegedly given a new set of keys. It said she also made two more visits after she said she'd been given new keys

and didn't complain until the third visit. Ms P also raised her concern that our investigation focused primarily on the timeline of her complaints and the various communication channels she employed, rather than addressing the core issue of Metro's negligence.

In calls to Metro in early May 2023 prior to making her complaint Ms P mentioned she had misplaced the keys on a couple of occasions. She said she was given new keys in June 2022 but didn't raise a complaint until May 2023 after two further visits in February and March. It's accepted that Ms P has four keys in her possession (two sets of two keys). But there are of course other possible explanations – it could be that Ms P is mistaken in her recollection of the visit of June 2022 with the passage of time, or perhaps when she was looking for her keys in May Ms P found an old set - from before 2017, or perhaps she has keys for a different SDB). I'm not able to explain why she has four keys, but I'm persuaded there isn't enough evidence to say that Metro has breached its terms and conditions or has done anything wrong.

Ms P has said an item of high value is missing from the SDB. I'm sorry to hear this. I'm not disputing Ms P's testimony, but I've not seen any evidence of the item on an inventory or insurance appraisal given the value of the item. I've also not seen any evidence that Metro has accessed the box without Ms P in attendance. So again I'm not persuaded Metro has done anything wrong. Ms P says she hasn't reported this to the police because of her previous experience reporting a crime. I'm not able to comment on this except to say if she believes the item has been stolen it would be advisable to report it to the police.

Metro has accepted there was a customer service failure. It said its investigation found that Ms P called or wrote to Metro multiple times between May and July 2023, however no complaint was raised and therefore no outcome provided. It said colleagues in the branch failed to contact Ms P. It has offered Ms P £100 in compensation for the distress caused. I think this is very reasonable in the circumstances.

My final decision

Metro Bank PLC has already made an offer to pay £100 to settle the complaint and I think this offer is fair in all circumstances. So my decision is that Metro Bank PLC should pay £100.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms P to accept or reject my decision before 25 April 2024.

Maxine Sutton
Ombudsman