

## **The complaint**

Mr K complains about Nationwide Building Society refusing to tell him why a cheque bounced and about multiple problems he had when he tried to get to the bottom of this.

## **What happened**

Mr K has an account with Nationwide into which he paid a cheque which bounced. Mr K saw it bounced and wanted to know why. So, he asked using Nationwide's online chat – and complained about a number of problems he had using its chat service. He subsequently visited one of Nationwide's branches having received a letter saying the cheque had bounced because it had been returned unpaid but not saying why this had happened. Mr K complained about a number of problems he had when he went into branch – he says the manager he spoke to tried to bully and intimidate him and that the manager didn't take steps to prevent him being assaulted by a member of the public who he says was drunk and who he says also stole his mobile phone. Mr K subsequently complained that Nationwide ignored a subject access request he sent meaning he hasn't been able to get hold of the material he needs to bring criminal charges against the person who wrote the cheque that bounced or the member of the public who assaulted him and stole his mobile phone.

Nationwide looked into Mr K's complaints and agreed that he'd been given incorrect information when using its chat service – for which it paid £75 in compensation – but did not agree that it had done anything else wrong. Mr K was extremely unhappy with Nationwide's response and so complained to our service.

One of our investigators looked into Mr K's complaint and said that they didn't think his complaint should be upheld. Mr K was very unhappy with our investigator and asked for someone to look into his complaint afresh. His complaint was, as a result, referred to an ombudsman and ultimately passed to me.

## **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.

Having read everything Mr K has said, it's clear that he has very strong feelings about what's happened to him – in part because he believes that he's been treated unfairly because he belongs to a group that is often singled out and discriminated against – and that he has a lot of things he wants to complain about. I've read and considered everything he's said carefully. Having done so, I'm going to address what I consider to be the key points of his complaint, consistent with our role as a quick and informal alternative dispute resolution service. I'm aware that Mr K may feel I'm "diluting" his complaint, but I can assure him that I'm not doing that.

### ***Mr K and his experience of Nationwide's chat service***

I'm satisfied that Mr K's complaint started life as something that most people would imagine was a straightforward issue, namely Mr K wanting to understand why a cheque he'd paid into his bank account bounced. And I'm also satisfied that it quickly escalated. I say that because I can see that Mr K got angry – and did so quickly – when he went onto Nationwide's chat function to find out why the cheque had bounced. I can see some of the reasons why Mr K might have gotten angry – he was asked questions that Nationwide said it needed to ask to make sure it was talking to him which Mr K considered unnecessary and intrusive. And he was angered by the member of staff he was speaking to saying that he'd sent Mr K a form to fill in – which Mr K took at face value to mean he'd been sent a form – when in fact what the member of staff had done was sent a link to the form in question. I don't think it helped that the member of staff told Mr K off for using "offensive" language when he'd used a mild profanity either. And as Nationwide has acknowledged, the member of staff then went on to say that Mr K would receive a letter explaining why the cheque had bounced – only to be disappointed when the letter he received didn't say why the cheque had bounced. I can also see that Mr K – based on his own direct experience – didn't believe that Nationwide wouldn't know why the cheque was bounced so when the member of staff said that they couldn't see why it had bounced he didn't believe he was being told the truth. It is, nevertheless, unfortunate that what should have been a straightforward issue ended up escalating.

I'm satisfied that Mr K decided to go to a branch – something that he felt he shouldn't have needed to do – because he didn't get the answers he was looking for. Unfortunately, that visit made matters worse, rather than better. I should add – before I say more about what happened at branch – that it's clear from the chat that Mr K was getting angry, and he mentioned the member of staff triggering him and not being able to cope with telephone calls. I do think the member of staff missed some of these signals. At one stage, for example, he suggested that Mr K might want to call Nationwide to get to the bottom of why the cheque he'd paid in had bounced despite Mr K having made it clear that he finds telephone calls difficult. That shouldn't have happened.

### ***Mr K's branch visit***

I'm satisfied that Mr K visited one of Nationwide's branches. Most of what happened that day would have been caught on the CCTV cameras in that branch. Mr K asked for a copy of that CCTV footage less than 30 days after he visited the branch but was told the CCTV footage was no longer available. I'm satisfied that that's because Nationwide routinely deletes its CCTV footage after 30 days and Nationwide didn't take steps quickly enough to stop the CCTV footage being deleted – it had a couple of days to do so. I'm satisfied that Mr K wanted the CCTV footage to evidence the fact that he'd been assaulted by a member of the

public who he says was drunk and in the branch and who he says also stole his mobile phone. So, I can understand why Mr K is angry that Nationwide hasn't sent him a copy of it. I'm satisfied that the police attended the branch that day – both parties called the police. It seems Mr K did so because he believed the manager he spoke to had broken the law when he wouldn't say why the cheque he'd paid into his account had bounced and it seems Nationwide did so because it says Mr K refused to leave the branch and sat down in front of the entrance. It seems the member of the public who Mr K says assaulted him did so whilst he was on the phone to the police, so that gave Mr K another reason to want to involve the police. Both Mr K and Nationwide say they spoke to the police that day – Mr K says he was only able to do so for a minute compared to the 15 minutes the police spoke to the manager. I'm satisfied that the police viewed the CCTV that day and that Nationwide wasn't asked to preserve the CCTV as a result of that viewing.

It's clear that Mr K doesn't have a lot of faith in the police and that he believes that this is also down to the group he belongs to and what he says are his experiences of being singled out and discriminated against. I can also see that he reported the assault he says happened in the branch to the police. Based on what I've seen, I'm satisfied that the police decided not to take any further action. I don't think I can say – given that the police attended the branch on the day in question and spoke to Mr K and viewed the CCTV – that Nationwide has made it more difficult for Mr K to evidence that he was assaulted that day and had his phone stolen because I would have expected the police to ask Nationwide to preserve the CCTV if it had real evidential value. I should add that it wouldn't be right to hold Nationwide responsible for decisions the police did or didn't make.

### ***events afterwards***

I'm satisfied that Mr K made a subject access request after his branch visit asking for, amongst other things, the CCTV footage, reasons why the cheque he'd paid in had bounced and copies of the calls made to the police by the staff and notes about what happened that day. We've asked Nationwide about that request and how it responded to it. I can see that our investigator had to ask Nationwide for this information several times, and that our investigator received responses that weren't in my opinion as helpful or as clear or responsive as I would have expected. And looking at Nationwide's responses, I can see why Mr K would have found the responses he received frustrating.

### ***in summary***

Our investigator didn't uphold this complaint. I can see that even if he did so, it's unlikely he would have been able to resolve Mr K's dissatisfaction. I say that because Mr K has asked us to award compensation running into tens of thousands of pounds, and to require Nationwide to recruit a large number of people in order to provide additional support to customers. On balance, I agree that Nationwide did make some mistakes in this case. But I'm also satisfied that Mr K got angry even when Nationwide tried to help as best it could and that anything I reasonably ask Nationwide to do at this stage would fall far below what Mr K has asked for. So, in this case I'm not going to ask Nationwide to do more, having made it clear that I agree it made a number of mistakes.

Before issuing this decision, I emailed Mr K to let him know what I was thinking and asked him to let me have his thoughts. Mr K didn't reply.

### **My final decision**

My final decision is that I'm not going to ask Nationwide Building Society to do more, having made it clear that I agree it made a number of mistakes.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 16 March 2024.

Nicolas Atkinson  
**Ombudsman**