

The complaint

Mr O complains that TSB Bank plc subjected him to unreasonable questioning when he attempted to withdraw monies from his account, and that the bank staff intimidated and bullied him.

What happened

Mr O went into a branch of TSB in July 2023. He had received a payment into his account and wanted to withdraw monies from it. He says that he was subjected to unreasonable questioning and that the adviser was trying to find ways not to pay the money to him. He explained that he couldn't use a computer but he was asked to do so. He says he felt sick with worry as he needed the monies for living expenses. He was eventually allowed to make the withdrawal, and then asked to speak to a manager. When a manager came out to speak to him he said that the manager "squared up" to him. He says he felt intimidated and had to leave the branch. He felt that the staff had been bullying and abusive to him and wanted the CCTV to be checked. I understand that he came into the branch on two other occasions, in May 2023, and a couple of weeks after the incident described above. He says he was subjected to the same sort of behaviour from the staff and believes that they treat their other customers badly as well.

TSB explained to Mr O that the customer adviser was just doing her job and was required to ask questions about the funds he had received in order to comply with strict rules concerning transactions that may be out of character for the account and to check that the funds received were from a legitimate source. It said its staff had very different recollections of the event, and that, in respect of Mr O, it didn't put up with inappropriate behaviours, or disrespect towards any members of staff, in branch or over the phone within TSB. Failure to comply would leave it with no alternative but to close the account down.

On referral to the Financial Ombudsman Service, TSB firstly said that the CCTV evidence was no longer available as it would only have been retained for 60 days. Our Investigator firstly said that the questions being asked about the origin of certain funds were not unreasonable, and also that Mr O was likely being quite difficult, getting involved in others' business and generally causing discomfort for staff and customers.

However our investigator referred to an internal conversation between members of the complaints team and the bank staff, that TSB has sent us a recording of. This refers to TSB's customer service manager (not the branch manager), being sent over to somehow resolve the situation and who, in the bank's own words "due to his sheer height and size", caused Mr O to ask if he could stand back a bit and not invade his space, and made him feel like he was being "squared up to". Our Investigator felt that was inappropriate and that if Mr O was intimidating bank staff and customers, the police should have been called. And that in light of the CCTV evidence not being available, TSB should pay compensation of £300.

TSB did not agree and said that his staff had acted entirely appropriately, particularly the manager concerned. Whilst the absence of CCTV evidence doesn't support the branch's version of events, equally TSB said, it doesn't support Mr O's version, and therefore the

complaint should not be upheld.

The matter has been passed to me for an Ombudsman's consideration

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.

Firstly I understand that Mr O is a vulnerable customer due to his personal circumstances and that TSB is aware of that.

There are three events mentioned by Mr O, I think the events mentioned in May 2023 and the later one in July 2023 both involved questioning which he didn't like, but no other particular facts except that Mr O mentions that he did not like the attitude of the branch staff towards him and towards other customers.

As regards all three events, I think that the customer adviser (who I believe was the same one each time) acted entirely appropriately. I'm sorry that Mr O didn't like being questioned about the source of his funds. But I'm afraid that banks nowadays have to be very alert to possible fraudulent transactions which sadly means that genuine customers making genuine transactions like I'm sure Mr O was, have to answer security questions. And the bank can't rely on the fact that he is a known customer.

Turning to the main event about which Mr O complains, from early July 2023, I also think it likely that Mr O was difficult. He refers to the fact that after being allowed to make his withdrawal he said he didn't have to be nice anymore. I think that both he and TSB have confirmed that he interfered with other customers trying to carry out business themselves. However he felt about other customers, I think that TSB was right to view this sort of conduct as inappropriate.

Those are issues that I can make findings on without the CCTV evidence. However I must address the fact that it is not available. Mr O in his complaint to TSB made clear that he wanted CCTV evidence to be looked at. And I know that the branch manager was able to look at the said evidence in preparing his response to the complaints team. So it is disappointing to find that TSB allowed the evidence to be destroyed within a normal period for keeping CCTV footage, even though it seems likely the footage would have been very helpful to determine Mr O's complaint. I have to bear in mind that TSB has used that footage to address Mr O's complaint, whilst he has not been entitled to see it or to have it reviewed independently.

So I have considered the main issue upon which our Investigator who looked at the complaint said should be upheld. I'm satisfied that the lack of the CCTV evidence doesn't mean I can't make a fair and reasonable decision in this respect.

First of all I agree that TSB has the right to address any inappropriate behaviour by customers especially if it is felt that the staff and other customers were intimidated. And I'm aware that because of Mr O's height and build, TSB might well have thought it right for a manager of similar size to talk to him. But, having listened to the internal conversation with the branch manager, the customer adviser concerned, and the complaints adviser, I do think that whatever the intention, Mr O felt intimidated and had to ask the customer service manager to step away. And, based on the evidence I have seen, I don't think that was an appropriate approach by TSB.

So I think that the complaint should be upheld in respect of the issue set out in the preceding

paragraph. I do think that also the lack of CCTV evidence means that Mr O's complaints could not be dealt with entirely fairly from his point of view. For those reasons I think that the proposed award of £300 is fair and reasonable.

I should add that nothing in this decision means that Mr O can't be questioned about any subsequent transactions, because TSB has to act in accordance with rules and regulations concerning any transactions that may be out of character for the account (like large sums of money being transferred in or out). It doesn't mean either that TSB can't warn Mr O or take other appropriate action if it is concerned about his conduct whilst in the branch.

Putting things right

TSB should pay Mr O £300 compensation.

My final decision

I uphold the complaint in part and require TSB Bank plc to provide the redress set out under "Putting things right" above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 14 March 2024.

Ray Lawley
Ombudsman