

The complaint

Miss S is unhappy that Metro Bank PLC left a message on her voicemail when she'd previously requested that all communication be via posted letter.

What happened

Miss S held a Safe Deposit Box with Metro, and on 28 October 2023 she visited a Metro branch and handed in the keys for the box and closed her account. However, a few days later, on 2 November, Metro called Miss S and left a message on her voicemail asking her to visit a Metro branch and hand in her Safe Deposit Box keys. Miss S wasn't happy about this because she'd already handed in her keys and because she'd previously told Metro that she wanted all correspondence via posted mail only. So, she raised a complaint.

Metro responded to Miss S and apologised for leaving her the unnecessary voicemail and sent her a cheque for £75 as compensation for any trouble or upset she may have incurred. Miss S wasn't satisfied with Metro's response and felt that a larger sum of compensation should be merited. So, she referred her complaint to this service.

One of our investigators looked at this complaint. But they felt the response Metro had issued to Miss S's complaint already represented a fair resolution to what had happened, and so didn't uphold the complaint. Miss S remained dissatisfied, so the matter was escalated to an ombudsman for a final decision.

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 done so, I'd like to begin by confirming that this service isn't a regulatory body or a Court of Law and doesn't operate as such. Instead, this service is an informal, impartial dispute resolution service. And while we do take relevant law and regulation into account when arriving at our decisions, our remit is focussed on determining whether we feel a fair or unfair outcome has occurred – from an impartial perspective, after taking all the factors and circumstances of a complaint into consideration.

Metro have accepted that they shouldn't have attempted to contact Miss S by phone and left the voicemail message that they did. And they've acknowledged that this is because there was no need for the call to have taken place at all – because Miss S had handed her Safe Deposit Box keys in a few days earlier – and because Miss S had previously asked for all not to be contacted by phone but only by letter.

In their response to Miss S's complaint, Metro apologised to Miss S for what had happened and sent her a cheque for £75 as compensation for any upset and inconvenience she may have incurred. However, Miss S doesn't feel that this £75 payment provides fair compensation for the trouble and distress that receiving the voicemail message caused her, and instead she feels that a larger payment of compensation is fairly merited here.

Matters of compensation can be subjective, such that an offer that's considered fair by one party might not necessarily be considered fair by someone else. But in this instance, after careful consideration, I feel that the £75 already paid by Metro is a fair compensation amount in this instance, and so I won't be instructing Metro to pay anything more.

In taking this position I've considered the impact that Miss S receiving the voicemail message from Metro would have had on her. I've also taken into account the general framework this service uses when assessing compensation amounts – details of which are on this service's website. And, taking these factors into account, I feel that £75 is a fair compensation amount.

Finally, Miss S has explained that she feels her data rights have been impinged by what's happened and that Metro are in breach of data regulations. But, as explained above, this service isn't a regulatory body, and so it isn't for me to decide whether Metro have or haven't acted in a non-regulatory manner here. Rather, such a decision would be for the Information Commissioner's Office ("ICO") – the relevant regulatory body – to make. As such, I can only refer Miss S to the ICO should she wish to pursue this aspect of her complaint.

But I can confirm that, from a fairness perspective, I feel that the response that Metro have issued to this complaint – including the apology and £75 compensation – already represents a fair outcome to what happened. And it follows from this that I won't be upholding this complaint or instructing Metro to take any further or alternative action.

I realise this won't be the outcome Miss S was wanting. But I trust that she'll understand, given what I've explained, why I've made the final decision that I have.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision before 1 April 2024.

Paul Cooper
Ombudsman