

## **The complaint**

Ms T complains that Bank of Scotland plc trading as Halifax enabled a criminal to steal cash she withdrew.

## **What happened**

Ms T visited a branch of Halifax, and she withdrew £2,500 in cash. Unbeknownst to her at the time, there was a person nearby who heard and saw the withdrawal she made, who proceeded to follow Ms T out of the branch and followed her to her work. She says they cut her bag and took the money. Ms T says the branch has a complete lack of security, there was no demarcation, there was no privacy, there were no physical boundaries between cash desks nor between cash desks and the public space. Ms T made a complaint to Halifax.

Halifax did not uphold Ms T's complaint. They said the banking hall is a public area and they can't stop people from entering. Halifax said it's likely that customers entering the branch will be greeted by a member of staff to be directed to the area of the branch suitable for their needs, which includes a waiting area where customers can wait to be served or other members of the public can wait while their friends/family members are being served. Ms T brought her complaint to our service.

Our investigator did not uphold Ms T's complaint. He said Halifax has a duty of care to their customers, but they also have to operate in a way that enables them to function. Our service cannot tell them how they must set the layout of each branch to ensure safety and security of customers and staff.

Ms T asked for an ombudsman to review her complaint. She made a number of points. In summary she said it can be argued and evidenced that the layout of the space of the Halifax facilitates these types of crimes being committed, Halifax allow anybody into the banking space, unhindered, where they can sit and listen to peoples personal transactions, staff should be meeting and greeting customers, and other banks/building societies have more robust security procedures which include buzzers/swipe to entrance doors, being greeted immediately, and not being allowed to sit or stand close to the transaction desks.

## **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.

Ms T has made a number of points to this service, and I've considered and read everything she's said and sent us. But, in line with this service's role as a quick and informal body I'll be focusing on the crux of her complaint in deciding what's fair and reasonable here.

I must make it clear to Ms T that it is not within this service's remit to tell a business how they should operate their security policies and procedures, such as what their branch layout should look like, including spaces between cash withdrawal areas and seating, how/if they greet people entering the branch etc. It would be the role of the regulator – the Financial Conduct Authority (FCA), who have the power to instruct Halifax to make changes to their

policies and procedures, if necessary.

I've considered what Ms T has said about the security controls of Halifax and the security controls other banks/building societies have in place in her local area. But as security procedures are a commercial decision, I'm unable to instruct Halifax to put in place similar security controls to what other financial institutions may have in place.

I can only imagine the trauma that the robbery would have had on Ms T, and she has my fullest sympathy regarding what happened here. So I can understand why she feels the way she does about Halifax's security controls.

But I'm unable to hold Halifax responsible for somebody committing a criminal act. And even if Halifax had the types of controls in place that Ms T wanted, it's possible that this wouldn't stop what happened to Ms T.

I say this because there could always be a chance that someone could see a cashier handing money to a customer – even if they were several metres away from where the cash is handed to a customer, and even if they weren't privy to a conversation which was being held at the counter.

Halifax allow family and friends of customers to wait while their family and friends are being served. So they don't just allow customers into the branch. That's not to take away from the experience Ms T had and the awful crime she was a victim of, but ultimately I'm unable to hold Halifax responsible for people choosing to break the law. So it follows I don't require Halifax to do anything further.

### **My final decision**

I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms T to accept or reject my decision before 23 April 2024.

Gregory Sloanes  
**Ombudsman**