

The complaint

Mr R complains about racial discrimination when he visited Barclays Bank UK PLC to make a large cash withdrawal.

What happened

I issued a provisional decision on 7 March 2024, and this is what I said:

I've considered the relevant information about this complaint.

Before I issue my final decision, I wanted to give everyone a chance to reply.

I'll look at any more comments and evidence that I get by 21 March 2024. But unless the information changes my mind, my final decision is likely to be along the following lines.

The complaint

Mr R complains about racial discrimination when he visited Barclays Bank UK PLC to make a large cash withdrawal.

What happened

Mr R visited a Barclays branch to withdraw £10,000 cash and, as notice was required, he was informed he needed to return in two days.

Mr R's complaint is about the way he was treated when he returned to the branch to collect his cash, as Mr R feels he was discriminated against and treated like a criminal because of his race.

Mr R felt the branch staff were suspicious about him because he was a black man wearing a hood. He described the following events:

- The cashier asked him questions which he felt weren't related to the transaction he wanted to make.
- He wasn't asked to produce his identity documents.
- The branch manager came over and was talking to the cashier about him. When Mr R asked what was going on he was informed that checks were being completed to keep 'the money safe' rather than 'his money safe'.
- He then had to wait in the branch for 45 minutes without being given an explanation
- He wasn't able to wait and, when the manager called him later that day, he still wasn't given any information and was told to come back into the branch the following day.
- When he challenged the manager, the phone was put down on him.
- His account was subsequently blocked.
- When he enquired about the block, he again experienced the phone being put down on him.
- When he returned to the branch, he felt he was treated differently to other customers and was subject to rude treatment which caused him to get upset.
- He never received the £10,000 he wanted to withdraw from his account and lost out on

- the car he wanted to buy.*
- *The above experience caused him anxiety and depression.*

Mr R complained to Barclays. They apologised, acknowledged Mr R's distress and inconvenience, said their staff should've explained their process and offered Mr R £200 compensation. However, they didn't agree that there had been any discrimination.

Mr R brought his complaint to our service. Our investigator partially upheld his complaint and said the overall treatment Mr R received wasn't reasonable and that Barclays should increase the amount of compensation to £350.

As Mr R remains dissatisfied, this case has now been referred to me to look at.

What I've provisionally 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'm also partially upholding this complaint and I'll explain why.

I'll focus on what I think are the important points to reach a final decision. But I've carefully considered all the points Mr R has made, even if I don't specifically address them all.

I would like to highlight that it is not my role to decide if the Equality Act has been breached here as that's for a court of law to decide. Instead, it is to consider the submissions presented by both parties and, where I think a business hasn't acted fairly and / or reasonably in the circumstances, to decide what should be done to put right any financial, or non-financial losses that a consumer has experienced.

Also, as we're not a court of law, I'm unable to cross examine witnesses or interrogate business systems. And in cases like this, where information is incomplete, inconsistent and contradictory, I must reach my decision on the balance of probabilities – in other words, what I consider most likely to have happened in light of the available information.

As there is neither a CCTV recording or any independent witnesses it isn't possible to verify any behaviour or actions, so I had to rely on testimonies and submissions from Mr R and some Barclays representatives.

I found evidence, in the form of Barclays' system note, which confirms that the branch staff were suspicious of Mr R's behaviour. It isn't possible to determine the exact reason for their suspicion, but I think it more likely than not that the following events caused Mr R to start feeling that he was being treated differently and his reaction and / or answers triggered some suspicion:

- *Barclays staff viewed a £10,000 cash withdrawal as an unusual and high-risk request*
- *Due to this and their responsibility to protect customers and the bank from fraud and scams:*
 - *They asked probing questions*
 - *Their system flagged up the transaction for higher security and further checks over the phone*
 - *Their process meant the branch manager was called over to discuss and approve the transaction*
 - *The cashier completed an incorrect form and didn't provide an explanation*

Then, whispering between the cashier and manager together with comments such as keeping 'the money' safe rather than 'your money', which were perhaps insensitive, caused

Mr R to react, which in turn increased suspicion. In addition, Mr R had been waiting a long time and this, together with a lack of communication from the cashier and / or manager, must've understandably caused him additional anxiety. And I think this anxiety probably showed and added to Barclays' staff's suspicion.

I did consider how likely it was that other factors, such as stereotyping based on race, the wearing of a hood or both, contributed to this suspicion. However, I'm not persuaded that this caused Barclays' staff to become suspicious.

I'm also unable to listen to call recordings but, having considered system notes and testimonies, I think it more likely than not that, due to a combination of Mr R feeling he was being discriminated against, then being blocked from his account and unable to make his purchase, he expressed his frustration and annoyance.

Regarding identification, records show some standard checks were completed to initially establish Mr R as the account holder. Although records show Barclays had some concerns, Mr R says he had identity documents with him and wasn't asked to produce these. But it isn't possible to know if Barclays representatives failed to establish what identity documents Mr R possessed, hadn't yet got to that stage or if the documentation was mentioned or seen but considered inadequate for the higher security checks that they deemed necessary for a high risk transaction.

Although I don't know what occurred, I am satisfied Barclays were following their procedures for a high risk transaction when they informed Mr R that he would need to return to the branch to produce photographic identity documents to complete his transaction. So, I think it more likely than not, as the required identity documents hadn't been seen, that Mr R became frustrated on the call leading to a breakdown in communication and calls being terminated.

I'm not though persuaded that Barclays representatives made an error when placing a block on Mr R's account. This is because they have a responsibility to protect customers from fraud and I think it more likely than not that the communication breakdown further increased suspicion and the manager thought the safest step was to temporarily block Mr R's account until he presented photographic identification.

So, I don't think it was unreasonable of Barclays system and staff to require extra protocols to protect both Mr R and I'm not persuaded that race had any bearing on what happened here.

But I'm not persuaded that Barclays staff explained their process and I think this led to Mr R feeling he was being treated unfairly and subsequently the situation deteriorated and resulted in Mr R's distress and inconvenience. Also, I think Barclays staff should've shown more consideration when Mr R returned to the branch.

Having considered the above, I think Barclays should pay compensation to Mr R as, with better communication, these events may not have occurred. And I also think that the compensation should be higher than £200, as the level of upset and distress was high. Also, Mr R wasn't able to make his purchase.

Assessing compensation isn't an exact science and our approach when making awards for non-financial loss is detailed on our website and tends to be modest. Having fully reviewed Mr R's submissions together with our guidance, I agree with our investigator that £350 is a fair and reasonable amount of compensation.

So, in summary, having considered the above and all the information on file, I'm partially upholding this complaint and I require Barclays to pay Mr R £350 compensation.

My provisional decision

For the reasons I've given above, it's my provisional decision to partially uphold this complaint and I require Barclays Bank UK PLC to pay Mr R £350 compensation.

I'll look at anything else anyone wants to give me – so long as I get it before 21 March 2024.

Unless that information changes my mind, my final decision is likely to be as I've set out above.

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.

Both parties responded to my provisional decision.

Barclays accepted it and agreed to offer Mr R £350.00 in compensation.

However, Mr R remains dissatisfied and raises the following points:

- He signed into his online banking in front of Barclays staff
- He says:
 - *'What made them presume fraud without ever asking for ID what did I say or do to make them think fraud?'*
- He considers Barclays to have been dishonest when they say they asked him for photographic evidence and thinks they failed to follow a procedure. He says:
 - *'The key information is they did NOT ask for my ID and presumed a black male taking out this much money must be fraud. Again I ask why would u not ask someone taking out 10000 cash for ID'.*
- He questions Barclays' procedure and says that Barclays *'did every check possible and asked every question possible which I answered in full. I believe that they presumed me guilty of fraud before they even fully established who I was'.*
- He concluded by saying:
 - *'You say to protect the customer and no one protected me on this day or my mental well being'.*

So, I considered everything again and my response focusses on Mr R's points.

Regarding whether Mr R had identity documents with him when he went to the branch to collect cash, due to Mr R's persuasive testimony and the fact he pre-ordered the cash and would more likely than not have been informed this would be needed, I'm persuaded this was the case.

However, as mentioned, due to the lack of CCTV and Barclays having limited records, unfortunately it isn't possible to know if:

- A. Mr R showed Barclays he had these with him
- B. Barclays were aware of this
- C. Barclays failed to ask him
- D. Barclays had seen them but wanted to see them again or considered them inadequate
- E. Mr R had to leave the branch before Barclays got to the stage where they asked or needed to see them

Regarding the decision to block Mr R's account, it isn't possible to know how the decision was made. But, for the reasons mentioned in my provisional decision, I think Barclays became increasingly suspicious and, as their records suggest they hadn't seen Mr R's documents, I think it more likely than not that they presumed he hadn't brought these in. As

there had been routine identification it does appear to be a risk adverse decision. But as communications had clearly broken down and Barclays were suspicious, considering this together with their responsibilities to protect Mr R's funds and not be negligent, I can't say that the block was unreasonable.

I appreciate Mr R thinks Barclays' actions to block his account and curtail his calls were unfair, and I can fully understand how these impacted his mental health. However, I think these were due to a Barclays suspicion gradually increasing and the way Mr R responded to their questions and actions.

I still think with better communications and consideration, including an explanation of their processes and actions, that the situation which resulted in distress and inconvenience for Mr R could've been avoided.

So, having considered everything again, for the reasons mentioned above, my final decision is to still partially uphold this complaint and I require Barclays to pay Mr R £350 compensation.

My final decision

My final decision is to partially uphold this complaint and I require Barclays Bank UK PLC to pay Mr R £350 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 30 April 2024.

Paul Douglas
Ombudsman