

The complaint

Ms T complains that Barclays Bank UK PLC should reimburse her for money that was stolen after she left her local branch.

Ms T has brought this complaint to us via her representative. But, to help keep things simpler, I'll mostly refer in my decision to Ms T since this is a complaint about what happened to her money.

What happened

Ms T holds an account with Barclays. She had a supply of withdrawn banknotes which she wanted to exchange at the branch so she could distribute the money in new notes to various members of her family.

In June 2023, Ms T made a cash deposit of £7,500 over the counter in her local branch. A couple of days later, she made a further 'over the counter' cash deposit of £7,000 and, before leaving the branch, withdrew the sum of £14,500.

After she left the branch, the money was stolen from Ms T when she was robbed on her way home.

Ms T blamed Barclays for allowing her to have so much cash. And she said Barclays needed to explain why it had allowed two persons acting suspiciously to be in the branch. She told Barclays that she wanted her money back and an apology.

Barclays said it was very sorry for what happened, but that it hadn't made any error. It said it hadn't been aware of anyone acting suspiciously at the time and incidents occurring outside its premises were beyond its control. Also, Barclays said it always advised customers to credit funds to an account rather than take cash with them, but ultimately this was Ms T's choice.

Ms T was unhappy with this response and brought her complaint to us. Our investigator didn't think the complaint should succeed, saying that:

- he had to reach an outcome based on balance of probabilities, and
- why this meant he hadn't seen enough to show that Barclays was responsible for what happened to Ms T.

Ms T disagreed. Her representative has sent in very detailed and lengthy representations explaining why Ms T feels Barclays is responsible for repaying the stolen money.

As no agreement could be reached, the complaint has been passed to me to decide.

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.

I do appreciate how strongly Ms T and her representative feel about this complaint and I sympathise with Ms T for the awful experience of being robbed. I can completely understand that what's happened was extremely upsetting and stressful for Ms T. I'd like to start by explaining what we can do here.

We provide an informal complaints handling service and this is reflected in the way I've approached the complaint. My role is to consider the evidence presented by the parties and reach an independent, fair and reasonable decision based on the facts of the case and the evidence provided by both sides. In doing so, I may not address every single point or question raised. But if I haven't done that, it doesn't mean I haven't considered the evidence and what's been said here – it just means I haven't needed to specifically refer to it in order to reach a decision in this case.

It's my understanding that the crux of Ms T's complaint is that Barclays breached its duty of care to her as a customer. In order to direct Barclays to refund Ms T's stolen money, I would need to be able to say that Barclays made an error or acted in a way that wasn't fair and reasonable – and it was this that led to Ms T suffering financial loss or other detriment. So this is the focus of my decision.

Both parties agree that the robbery took place away from the Barclays branch. Once the transaction had completed, and Ms T had left the branch, I am satisfied that Barclays couldn't reasonably be responsible for the safety and security of Ms T's money – after its role in the payment transaction had been completed.

But I've thought carefully about whether what happened in branch means that it's fair for Barclays to bear some responsibility for what happened afterwards.

Unfortunately, I haven't been able to see the CCTV footage – I understand the police have this. But I am satisfied that I have enough information to reach a fair decision here.

Barclays has explained the process it had to follow for customers wanting to exchange old banknotes. Briefly, unless the amount is only small, old notes need to be checked and processed and the money is then paid into the customer's bank account.

The cashier who dealt with Ms T recalled her visits to the branch and said the bank's process had been correctly followed. He said that Ms T's notes were handed over directly to a colleague to be checked and counted. The branch layout meant the cashier was able to hand over the old notes to be counted in a secure area and there was no requirement to cross the banking hall with the money for this purpose.

Ms T remembered things differently to the way Barclays described what happened. She mentioned that there had been a lack of privacy dealing with her affairs and she recalled having to cross the banking hall in full public view with her money.

Where there's conflicting information about what happened, as here, and gaps in what we know, my role is to weigh the evidence we do have and decide, on the balance of probabilities, what's more likely than not to have happened.

I have no reason to doubt that Ms T is certain about what she's told us. But I have to give due weight to what both parties say. And what she says isn't enough for me to be able to uphold her complaint when there's contradictory information and what she says isn't supported by other evidence.

I think, on balance, it's more likely than not that Barclays would've followed its usual process here. There was a significant amount of money involved so there was no good reason for the cashier to do anything with the notes other than receive these from Ms T and hand them straight to the adjacent counting team. The balance of the evidence here isn't enough for me to make a finding that Barclays was responsible for any indiscretion or lack of regard for Ms T's privacy or security whilst handling her money in the branch.

Ms T has mentioned seeing two persons acting suspiciously in branch. Barclays said it had security staff and processes in place for dealing with suspicious persons, but it wasn't aware of anyone loitering suspiciously when Ms T was in branch. That doesn't seem unreasonable to me as Barclays has said Ms T was in an exceptionally busy high street branch. Ms T hasn't said she drew Barclays' attention to any concerns she had about other people at the time. So I don't consider I can fairly say Barclays was at fault for not spotting or taking action against persons who may or may not have been involved in robbing Ms T.

It seems to be agreed that Ms T had been in the habit of calling at the branch and paying in money and taking out (sometimes large) cash amounts from time to time. I would expect Barclays to comply with regulatory requirements and follow its own procedures and policies.

Barclays was required to check and satisfy itself as to the source of her funds and it needed to take steps to ensure Ms T was not likely to be a victim of crime.

Barclays said that, over the course of several discussions with Ms T, it had talked to her about the source of her funds and why she particularly wanted to take the money as cash. The cashier said that in June 2023, when Ms T initially came into the bank to exchange her old currency, '*...as per normal, I had a conversation about where the funds were coming from and what and why she was doing this...*'

Ms T hasn't said these discussions didn't happen. So I think it's likely that these discussions would've happened and they did take place.

Barclays also said that it explained to Ms T that she could transfer money to family members in ways that didn't require her to carry large cash amounts – but that she'd said she particularly wanted to do things this way. From what he's said, I understand that Ms T's representative was also aware this was her preferred way of dealing with her money.

I don't consider that Barclays needed to do more in these circumstances. I appreciate that Ms T's representative feels Barclays didn't do enough to allow for Ms T being a vulnerable customer. But I don't think Barclays had any reason to treat Ms T differently to any other customer – that would've been unfair to her. Barclays did everything I would reasonably expect in terms of satisfying itself that Ms T was aware of her options and making a free choice about what she was doing with her money. As Barclays has said, ultimately it was up to Ms T to decide for herself how she wanted to manage her money.

To sum up, on balance, I haven't seen enough to show that Barclays didn't do enough to look after Ms T's interests while she was in the bank. There's no suggestion that police are involved in any action against Barclays staff. And Barclays wasn't responsible for what happened after Ms T left the branch. Crucially, the robbery took place outside and away from Barclays' branch – after its role in the payment transaction had been completed. While what happened to Ms T was traumatic, I don't consider a fair way to resolve this complaint would be for Barclays to be responsible for the decisions and actions of an independent third party once she had left its premises. The party that is ultimately responsible for the harm is the thief. So, I don't think an equitable remedy would be for Barclays to reimburse the funds.

It's important to say this, as Barclays can't be responsible for Ms T's handling and communication about the cash after she left its branch. I'm not persuaded by what I've seen and been told that anything Barclays did helped or contributed to Ms T being a victim of crime here. So it wouldn't be reasonable to tell Barclays to cover her remaining losses.

Just to be clear, although Ms T's representative has mentioned 'miscommunication' on his part and he initially accepted the investigator's findings, this hasn't affected the outcome of Mrs T's complaint. I'm grateful to Ms T's representative for all the assistance provided throughout this complaint.

I appreciate that my decision will be disappointing for Ms T but I hope that setting things out as I've done helps to explain how I've reached my conclusions.

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 Ms T to accept or reject my decision before 15 July 2024.

Susan Webb
Ombudsman