

The complaint

Mr A complains about the way he was treated when he visited his local branch of Santander UK PLC and about its decision to bar him from that particular branch.

What happened

Mr and Mrs A attended their local branch in June 2023. In part, they wanted to set up a standing order on Mrs A's account. At the appointment the adviser was unable to set up a standing order because the system was down. They were advised that they could set this up over the telephone.

Mr A then attended the branch alone and asked to set up the standing order because he had his wife's authority. It was explained to him that Mrs A needed to be present. He left the bank and subsequently complained about having to wait for half an hour to see someone and then about the conduct of the branch manager.

Santander initially paid Mr A £20 in respect of the wait he experienced in the branch. However it explained that the branch was right not to set up the standing order without Mrs A being present. Mr A persisted with his complaint and was told that it had been closed down. Subsequently a letter was sent to him purportedly from the branch stating that during the visit he had been rude and condescending towards the staff. It said that *"using aggressive/abusive behaviour is not tolerated at Santander and therefore we have made the decision to withdraw your services at [the branch in question]"*.

It sent a further final response letter at the same time agreeing to pay Mr A £40 compensation for its delay in investigating his complaint.

Mr A referred his complaint to the Financial Ombudsman Service. He said he hadn't received the letter banning him from the branch. He explained that this caused difficulty for him because he had a medical condition which made it harder for him to visit a branch further away than his local branch.

I issued a provisional decision. I said that Santander should pay Mr A further compensation of £80, and reconsider whether to allow Mr A to visit the branch again.

Santander said, in response to my provisional findings, that it wouldn't be able to reconsider the decision to restrict Mr A's access to the branch as it was taken by the branch.

Mr A accepted my provisional findings but pointed out that he had supplied a medical report.

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.

The following were my provisional findings:

"I can understand, given that Mr A was unable to set up the standing order on his wife's

account when they both visited the branch, that he was frustrated at not being able to set it up himself. However I think it had been adequately explained to him previously that Mrs A's presence was necessary. On the basis of him having to wait half an hour to see someone, I think £20 was reasonable compensation.

I asked Santander to provide evidence of Mr A's behaviour when he was in the branch. There is no CCTV evidence, as that would long since have been recorded over. However I have not seen any statement from any member of staff made at the time. An alert was placed on Mr A's file by the branch manager on 8 August 2023, explaining that it had not been put there before because Mr A had left the branch without leaving the account details. Although the branch would have been contacted about Mr A's complaint.

Santander sent an initial final response letter on 27 June. It didn't mention Mr A's conduct. It was not until 8 August that a letter was sent to Mr A telling him about his conduct and the decision to not allow him to bank at that branch any longer. The letter also warned Mr A about any future misconduct which could lead to his account being closed. The impression I got was that as Mr A insisted on pursuing his complaint after that first final response letter, Santander decided to send the warning letter. It has explained that this was because the letter came from the branch. Although it is actually signed as coming from a completely different branch. This would indicate to me that it was a business decision rather than that of the individual branch.

I note Mr A says he didn't receive the warning letter, but he was told about it in a conversation he had with a complaints adviser at the time it was sent so he would have been aware of it.

The alert placed on Mr A's file also said that Mr A "has been abusive in the past with colleagues at [this branch] and therefore is no longer welcomed to transact at [this branch]." No notes about past conduct have been placed on Mr A's file, nor, as far as I'm aware was any previous warning given. Santander has said that Mr A was abusive when talking about his wife's accounts. It was also not referred to in the warning letter, although it seems it was relied on when deciding to send the letter.

I can't condone or expect Santander to tolerate any abuse towards its staff. so I can't say it was wrong to warn Mr A about its right under its terms and conditions to close his account. But I think that the evidence it relied on to ban Mr A from that particular branch was only put to him six weeks later, and only after he persisted with his complaint. It also clearly relied on a previous course of conduct which hadn't been noted or advised to Mr A.

Mr A has told us of a medical condition which would cause him difficulty getting to a branch further away his home, and shown us a photo of his swollen foot. Regrettably I can't take account of that, as that isn't medical evidence (e.g. a doctor's letter) of a condition. He also told the customer adviser that he hardly ever visits the branch anyway. I understand the next nearest branch is about two miles further away.

I don't think it would be right for me to tell Santander to allow Mr A back in the branch. But I would expect it, given my findings in this case, to reconsider its position. Mr A should understand that whatever it decides to do, the warning in the letter still stands."

With regard to Santander's response to my provisional findings, I don't accept that the decision to restrict Mr A's access to the branch can't be reconsidered. I recognise that the decision appears to have been made at the behest of the branch manager, although the letter notifying Mr A of this came from a different branch, not even one in the local area. Clearly the branch manager (or whoever made the decision) has the power to reconsider it. My concerns about that decision are that it was made, at least in part, based on Mr A's

alleged past conduct, which was not noted at the time and which he hadn't had the chance to respond to.

I've looked at Mr M's medical report, I apologise for overlooking this. I note that it does factually describe his swollen foot and that could limit his mobility. I have taken that into account, although it doesn't affect my overall decision.

So I stand by my provisional findings. Santander should instruct the branch manager, or whoever made the decision to exclude Mr A, to reconsider that decision. I should emphasise that I am requiring that the decision be reconsidered. I have not made a finding as to what that decision should be, But my findings in this decision should be taken into account by whoever makes the reconsideration.

My provisional findings, apart from any corrections I have made above, are now final, and form part of this final decision.

Putting things right

Santander should pay Mr A further compensation of £80.

It should also reconsider, or instruct the branch manager to reconsider, whether to allow Mr A to visit the branch again.

My final decision

I propose to uphold the complaint and to require Santander UK PLC to provide the remedy set out under "Putting things right" above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 18 July 2024.

Ray Lawley
Ombudsman