

complaint

Mr C complains about the service he received from the Cookstown Credit Union Limited (CCU) when he attended a branch office to make a payment towards his account. He said the branch manager shouted at him and discussed his financial circumstances publicly which made him feel humiliated.

background

At the relevant time Mr C was a member of the CCU. He went into the branch in order to make a payment. Having done so a manager asked if she could speak to him and he was asked to go to an interview area at the back of the public office. Mr C said that the manager shouted at him and asked questions about some missed payments on his account and referred to his mother being a guarantor. He said he asked her not to discuss such matters in a public area and asked to speak about it in private. When he asked about raising a complaint he said he was laughed at and wasn't given details of the complaints process. He said the experience left him feeling humiliated and believing his privacy and confidentiality had been breached.

Mr C also said he had asked for any CCTV footage of the incident to be provided to him and it was not.

CCU accepted that they had spoken to Mr C in the area he described, but they denied they had breached his confidentiality and privacy in the manner he had suggested. The manager denied that she had raised her voice and said to the contrary that it was Mr C who had raised his voice and ultimately issued a threat in the form of *'you'll regret this'*.

CCU said they had explained the complaints process to Mr C on 3 occasions; first of all verbally at the time, then when he rang some time later and finally when they set it out in writing following his complaint.

With regard to the CCTV, CCU confirmed the incident would have been recorded but that it would not have contained any audio recording. They also explained that they only retained CCTV footage for 31 days and Mr C had not made a formal request for it in that time. As a result it was no longer available.

Mr C was unhappy with CCU's response and so an investigator from this service looked into the complaint but didn't think CCU had done anything wrong. Mr C disagreed and so the matter has been passed to me for a final decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I think we have an unfortunate situation here. Mr C feels very aggrieved at the treatment he perceives he received from CCU's staff and I am sorry to hear that he feels that way.

However, my decisions have to be based on the available evidence and where evidence is incomplete, inconclusive or contradictory, I reach my decision on the balance of probabilities – in other words, what I consider is more likely to have happened in light of that evidence and the wider circumstances.

I do know Mr C wanted to get the CCTV footage to support his complaint, but as a fact that is not available to me, since it no longer exists. I do acknowledge that Mr C asked at the time for the footage but he never completed a written request for it despite being provided with the correct form for doing so. Furthermore, by the time this service became involved and asked for the footage it was then well beyond the 31 day period CCU would have retained it, and so it was not available.

But, even if the footage had been available it would not have assisted me because it did not have an audio track on it. That means it would have been impossible for me to have heard what was or was not said.

But I have seen two statements from CCU staff confirming that the manager did not shout, rather it was Mr C who had raised his voice. Further that what the manager and Mr C had spoken about could not be heard by others. In fairness Mr C accepts he said words to the effect of 'you'll regret this' but states this was not meant to be a threat.

So I can't be satisfied on the evidence before me that there has been any breach of confidentiality or that Mr C was humiliated or treated unfairly. In fact the evidence suggests to the contrary that there was no such breach or unfair treatment.

I know Mr C will be disappointed with my decision but I have come to the same conclusion as the investigator and for similar reasons. I'm not satisfied that CCU have treated Mr C unfairly, so I'm not going to ask it to do anything further.

my final decision

For the reasons set out above I do not uphold the complaint against Cookstown Credit Union Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 26 March 2019.

Jonathan Willis
ombudsman