

complaint

Mr H is very upset at how Virgin Money plc dealt with him when he was trying to sort out his terminally ill wife's ISA account. He says the bank's staff were rude and unprofessional and should know how to deal with situations like his much better. Mr H isn't looking for compensation as such, but thinks it might be appropriate for Virgin Money to make a donation to charity. For obvious reasons Mr H is dealing with this complaint about his wife's account.

background

The details of what happened are well-known to Mr H – and indeed to Virgin Money. So I hope both parties will understand that I'll only cover things briefly here. That's not to suggest what happened isn't important – far from it.

In summary, Mr H went into a Virgin Money store as Mrs H's account book had gone missing. He says the member of staff wasn't properly dressed (he was finishing getting dressed as he started to deal with Mr H) and told Mr H that his wife would need to come into the store. Mr H then explained his wife was terminally ill. The staff member responded by saying "ok, no problem..." – at which point Mr H left the store.

Mr H later rang Virgin Money to say how upset he'd been at what had happened. And he still needed to sort out getting a replacement passbook and ISA transfer papers. There were many calls – some very 'heated' – over the coming days.

As the calls went on, Mr H's view that the staff at Virgin Money (as a whole) simply didn't care about his wife's situation increased. And there were times when the person Mr H needed to speak to wasn't available as he'd expected. So he made a formal complaint.

In the first instance, Virgin Money sent some flowers to Mr and Mrs H. It then followed this up with a formal response. In general the bank didn't think its staff had been intentionally rude or unprofessional.

Virgin Money said it'd given feedback to the store where the original incident had happened and explained the words "ok, no problem" were simply referring to the request for a new passbook. The staff member intended to go on and explain more – but Mr H had left the store.

The bank acknowledged this must be a difficult time for Mr H and his family. But it also made the point that Mr H's frustration could be seen as inappropriate or threatening behaviour. There was then another telephone call between Mr H and the bank where – in simple terms – he re-stated very strongly his view that the way the bank operated wasn't acceptable. So he contacted us.

At the end of Mr H's dealings with Virgin Money there's something of a 'stalemate' about compensation. Mr H says he's not looking for any money, but thinks Virgin Money might want to make a donation to a charity.

One of our adjudicators looked into things for Mr H. He could understand that Mr H might think the staff member at the Virgin Money store had dealt with him badly. But he didn't think this would have been intentional. And, in the circumstances, it didn't strike the adjudicator that the staff member had been rude or unprofessional. Last, after listening to the calls Mr H had with the bank, he thought Virgin Money's staff had been polite and willing to help.

Mr H didn't agree with the adjudicator's view. So his complaint's been passed to an ombudsman to review and issue a final decision on. In summary, Mr H doesn't think his concerns have been looked into properly and the staff at Virgin Money hadn't treated him with the respect he and his wife deserved.

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 can't begin to imagine the difficulties Mr H is dealing with. And those must be so much worse given the other events in Mr H's life that he refers to in (at least) one of his calls with Virgin Money. But – in simple terms – I can't undo what's already been done. So whatever I say is unlikely to address fully his concerns.

In summary, I can't give Mr H what he's looking for. Whatever shortcomings there may have been in how Virgin Money staff dealt with him, I can't change the way in which the bank's staff deal with situations such as this. That's down to the bank. But I can point out where I think there may be lessons Virgin Money can learn.

I realise that'll be little comfort to Mr H. I know from listening to all the call recordings Virgin Money has sent us, Mr H makes the point that he doesn't think the bank can learn anything – and perhaps its problems (as he sees them) are too deep-rooted. That's his view. And nothing I say is likely to change that. While I know Mr H won't agree with me on this, I think – in these particular circumstances – his view's a bit unfair.

I have to look at both sides of the story. With the benefit of hindsight, I'm sure Virgin Money would say it could have done some things better. But I genuinely don't think any of its actions had the intention of upsetting Mr H – or his wife.

And I can't ignore the way in which Mr H spoke to many of the Virgin Money staff. I consider he was – at times – abusive and aggressive. Mr H refers to being able to "hurt" and "harm" people. Faced with this approach, I simply think some of the staff found the situation they were in to be intimidating. To be fair to Mr H, he's recognised this in what he said in his letter to us – and indeed apologises. But it is an important part of the context of what happened.

Mr H doesn't think our adjudicator looked into things properly. I don't agree. I'm satisfied he did a detailed investigation. But, so that I provide Mr H with some reassurance on this, I think the best thing to do is to try and deal separately with the various parts of what happened.

Mr H's visit to the Virgin Money store

I wasn't at the store. So I don't know whether the staff member was properly dressed when he started dealing with Mr H. But I've no reason to doubt what Mr H says. I'm sure everybody would agree that people serving customers should be appropriately dressed. So, if the Virgin Money staff member didn't meet – what I describe as – a reasonable standard, that's something I'm sure the bank would want to remind all its staff about.

Likewise, I don't know what was said. But it all seems to have happened very quickly. Virgin Money says Mr H was in the store for less than a minute. And he doesn't disagree with that.

Again, I've no reason to doubt what Mr H says. And the use of "ok, no problem" would be unfortunate. But it's hard to see that there would have been any intention to cause upset to Mr H. And, given the short amount of time involved, the staff member didn't have a chance to try and put things right. So – again – I believe this is something Virgin Money can learn from. It might want to think about how it reminds its staff how they might act if faced with a similar situation.

Mr H's calls to Virgin Money

I don't want to labour my earlier point about Mr H's approach in some of the calls I've listened to. But – to be fair to both sides – it's important to say that no member of a bank's staff should be subject to verbal abuse. That's not acceptable.

It must have been frustrating for Mr H to select options when first contacting Virgin Money only (as he sees it) to be passed from pillar to post. And not knowing that somebody he'd expected to speak to wasn't available at the time he rang won't have helped matters.

But when Mr H did speak to people I think – in the main – the Virgin Money staff tried to help Mr H. Again, I realise he won't agree with that. But, in the context of how Mr H sometimes spoke, I think the staff members did the best they could.

Again, I'm sure Virgin Money can learn from what happened during these calls. I'd urge the most senior people possible responsible for how the bank's staff deal with customers to listen to those calls. They might want to think about how they support Virgin Money staff in similar circumstances. That'd help both the bank's customers and the staff. I can't direct the bank in any way on this. But I'm confident that it'll want to learn from the problems Mr H had.

summary

I understand Mrs H's new passbook has arrived. That's good to hear.

This is clearly a very unfortunate set of circumstances. As I said earlier, I can't begin to imagine what Mr H is going through. He's trying to sort things out as best he can. And what I'm sure were inadvertent or unintended comments may well have upset him. But I'm equally sure there was never any intention to cause him upset. If I thought there had been, my view on the way forward might be very different.

Mr H says his concern is about being treated with respect, human dignity and care. Nobody would disagree. That's the right way to deal with people. But, as I said earlier, I can't force any change in the nature of the people working for Virgin Money. And I'm sure that's not actually needed. They were just struggling to deal with a difficult situation.

Given everything that's gone on here, I don't think it'd be fair to uphold Mr H's complaint. And, as I said earlier, I can't actually give him what I think he really wants.

As Mr H's said, it's not about compensation (money). Indeed no amount of money could make up for the upset Mr H says he's suffered. And here I don't think it'd be fair to direct Virgin Money to make a donation to any charity. If it chooses to do so, that's a matter for the bank.

But I do think Virgin Money can learn from what's happened here. Indeed, there's been some recent media coverage of another financial business setting up a dedicated telephone service for customers with situations similar to those faced by Mr H. That might be something Virgin Money wants to look into.

I know Mr H will be disappointed with (at least) some of what I say here. He's talked about taking the matter up with his solicitor. Obviously that's a matter for him. But my decision brings to an end what we – in trying to resolve his dispute with Virgin Money informally – can do for him. I'm really sorry I can't help him any further.

my final decision

For the reasons I've given, my final decision is that Virgin Money plc doesn't have to take any specific action to address the concerns that Mr H has raised in this complaint. But I hope it will consider carefully what I've said about lessons it might learn from what's happened.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H (on behalf of his wife) to accept or reject my decision before 11 April 2016.

Andrew Davies
ombudsman