

complaint

Mr and Mrs J complain that Lloyds Bank PLC has not credited their account with a cash deposit.

background

Mr and Mrs J explain that a relative went into one of the bank's branches to deposit some cash into their account. The relative was told by the cashier to use the bank's deposit box rather than pay the money in over the counter because she was not one of the bank's customers. Unfortunately, the money was stolen by unknown third parties before it was securely deposited into the box. Mr and Mrs J say that because the theft occurred on the bank's premises it should refund the money.

Our adjudicator did not recommend that the complaint should be upheld. She considered that the bank had not made an error in asking Mr and Mrs J's relative to use the deposit box and it was not able to foresee that it would be stolen in this way. Mr and Mrs J did not agree and responded to say in summary that the theft took place in the branch and their relative had assumed that the money was safely deposited when she placed it in the box.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

The CCTV footage of the incident is now no longer available because of the time that has passed. According to the bank, the footage shows that the deposit box was held open by an unknown person for Mr and Mrs J's relative to deposit the cash. Before the envelope dropped securely into the box it was removed. The bank has said that it appears from the CCTV that the unknown person was possibly acting with others. As soon as Mr and Mrs J's relative mentioned to the cashier that she wanted to deposit cash she was targeted.

I can fully appreciate why Mr and Mrs J feel that the bank should take some responsibility for the loss of this money. The theft happened on its premises. Their relative was directed to use the deposit box despite queuing to deposit the money over the counter. But I agree with the adjudicator and I can't say that the bank made any error by insisting the deposit was made into the box. The bank's policy is that all third party deposits should be made this way and I can't say that this is unreasonable in the circumstances.

I make no criticism of Mr and Mrs J's relative for not ensuring that the money had dropped securely into the box and I can understand why she may have thought that it had been properly deposited. But the bank could not have anticipated that the money would be stolen in this way and I can't say that the bank is responsible for the loss because the envelope was not securely deposited.

What happened in the bank that day is very unfortunate and I imagine it was distressing for everyone concerned. Opportunist thieves who were able to take advantage of the fact that the deposit box could be held open, targeted Mr and Mrs J's relative. I know that this will be disappointing for Mr and Mrs J but I can't say that this is the bank's fault and it should replace the money.

my final decision

Under the rules of the Financial Ombudsman Service, I am required to ask Mr and Mrs J to accept or reject my decision before 12 June 2015.

Emma Boothroyd
ombudsman