

## **The complaint**

Mr M complains about the way he was treated by Lloyds Bank PLC when he visited his local branch.

## **What happened**

In July 2023, Mr M visited his local branch of Lloyds. He says he was sitting in the waiting area in the banking hall carrying out his Internet banking and then took a call from his brother. He was approached by a member of Lloyds' staff and was asked questions about what he was doing there and how long he would be staying. He says he was then approached within 5 minutes by another member of staff who asked him the same questions. He then asked to see the manager who came out and switched on her bodycam to speak to him. He is autistic and felt that her actions triggered his anxieties. He felt he nevertheless stood up for himself.

On a subsequent day Mr M returned to the branch and asked to see the bodycam footage. He says he put his point across politely but the manager accused him of being aggressive. He believes Lloyds' staff don't have adequate training to deal with autistic customers. He also believes that Lloyds doesn't have an SIA (Security Industry Authority) licence to use bodycams.

Lloyds said its members of staff were justified in approaching Mr M twice. It is a busy city centre banking hall. It said the staff felt Mr M's behaviour can be threatening and they felt intimidated. Lloyds issued a warning to Mr M over his behaviour, and said it has the right to make the decision to end a banking relationship with customers. Its staff have regular adequate training in support needs. The manager warned Mr M that she would be switching on her bodycam - Lloyds doesn't require an SIA licence to use bodycams in that way.

On referral to the Financial Ombudsman Service, our Investigator said that whilst he didn't think Lloyds had made an error when thinking about Mr M's branch visit in July, he thought there were ways it could improve on things to try to ensure the situation isn't repeated.

Mr M was not happy with that and wants compensation. The matter has been passed to me for an Ombudsman's consideration.

## **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.

As I wasn't present at the time of the incident, I have to base my decision on what evidence is available. Our Investigator asked Lloyds for a copy of the bodycam recording, but it appears that that is no longer available. I have Mr M's, and the branch manager's testimonies. Where the evidence is incomplete or contradictory, as some of it is here, I have to decide the matter on the balance of probabilities, that is what I think is most likely to have happened.

Mr M says:

- He did some personal banking at the cashpoint and then sat down to access his online Lloyds banking.
- He took a brief call from his brother who was checking that he was all right.
- He was confronted by one of the customer advisers who questioned the purpose of his visit and how long he was going to stay. The enquiry was not just a simple 'How can I help you, please?'.
- A second adviser approached within 5 minutes asking the same questions.
- He asked to see the manager who switched on her bodycam to speak to him. This triggered his anxieties and caused tension between them, but she continued to record even after he questioned her reasoning for filming.
- He felt the manager was being vicious towards him, negating his concerns about her staff members.
- Next day he came back and asked for the bodycam footage. The manager recorded him again. He felt that he was asserting his point politely but was accused of being aggressive.
- He made an SAR (subject access request) for the bodycam footage, but Lloyds wouldn't release it to him. He believes that Lloyds deliberately deleted the footage. He raised a complaint with the ICO (Information Commissioner's Office) but it wouldn't take any further action.

Lloyds says:

- It is a very large city centre flagship branch, there are zoned areas within the banking hall to sit customers in to wait to be served.
- Mr M had been in the waiting area for some time and was not in the digital queue. The manager was not surprised or disappointed that he was asked twice if they could help him.
- The young girls who spoke to him are both of different ethnic backgrounds, as is the manager. Mr M accused them of being racist, was very rude about what he said and how he said it, then continued to be abusive and asked for the manager.
- Because of this and after interactions with him in the past (he always asks for a manager) the manager activated her camera and told him this immediately.

- The manager was quite stern with him due to previous interactions and aware of accusations he had made before. To the point some colleagues are far too uncomfortable to serve him or even interact with him.
- The only reason the two young women interacted with him was because they are new and hadn't recognised him.
- On the second occasion he saw the manager and he produced a plastic SIA badge and started to ask questions about the camera procedures etc. Also about the autism training. She assured him that support needs are loaded and that the staff have adequate training on all sorts of ways to support customers.
- If his behaviour continues the manager will issue a closure of account as both Mr M and his brother have been issued with warnings.

On the question of the bodycam footage, it is disappointing that this has been deleted. However I understand that this is something that is automatically done after 30 days, so I don't think it was deliberate. I understand that Mr M asked for the footage within the 30 days, and made a complaint about that to the ICO. It decided to keep a log of the concerns raised but not to take any further action. I take the view that that issue has been decided by the ICO so I won't make any further comment on it.

As regards the use of bodycams, I have checked the position and there are no particular rules or regulations concerning how they should be used, outside of the police. And Lloyds did refer the matter to its legal team who confirmed that the SIA isn't relevant to the use of bodycams in the banking hall.

The bodycam footage related to the contact between Mr M and the manager. The manager admitted that she was "quite stern" with Mr M when she spoke to him. And I can understand if Mr M was upset with this.

I have to bear in mind that this is a busy city centre branch of Lloyds, and that it allows customers to take seats in the waiting area if they're waiting to conduct a transaction or see an adviser. It is not however a public waiting area so Lloyds is entitled to question whether a customer is there to seek help with a banking transaction. I think it likely in Mr M's case that he had been sitting there for a while whilst not apparently needing any help.

I think it likely also that the advisers who approached him, who are both young women, were subjected to aggressive behaviour on Mr M's part. Lloyds has a duty to protect its employees and it is disturbing to note that members of staff are uncomfortable with interacting with him. Taking that into account I think it was reasonable for the manager to be quite stern with him.

I fully take into account that Mr M has told us he is autistic, and that he made Lloyds aware of that. However I'm satisfied that the manager, from what she tells us, is adequately trained to deal with autistic people. Under the terms and conditions of Mr M's account, Lloyds would be entitled to close the account but, recognising Mr M's disability, has not yet done so in his case.

Nevertheless I recognise that that Mr M's anxieties were aggravated by the switching on of the bodycam and that he didn't like the way he was spoken to by the manager. I can't tell Lloyds what to do in any future interactions with Mr M - hopefully it can take on board how he would like to be treated, whilst also protecting its members of staff.

**.My final decision**

I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 13 May 2024.

Ray Lawley  
**Ombudsman**