

## The complaint

Mr P complains that TSB Bank plc refused to stamp bank statements for him for his visa application papers and unfairly closed his account because of his alleged conduct when in the branch.

## What happened

In April 2023 Mr P attended a branch of TSB. He explained that he needed copies of some bank statements stamped with an official TSB stamp for a visa application. He was advised by the bank staff that he didn't need them to be officially stamped because they were on TSB headed notepaper. Mr P tried to explain to an adviser and a senior member of staff that he had had this done before. But he was told that the rules had changed. Subsequently TSB wrote to Mr P to say that it was closing his account with 30 days' notice because of his aggressive behaviour whilst in the branch. Mr P said he did not behave aggressively rather than that he was emotional. He was able to get his bank statements stamped at another branch of TSB.

TSB was unable to close the account as planned because it was overdrawn. Mr P set up an account at another bank but he could not transfer some direct debits to his new account. The account was fully closed in early June 2023 when it was brought back into credit

Mr P complained to TSB who confirmed its decision to close his account and that the branch staff's recollection of what happened was very different from Mr P's. TSB also explained that the account was blocked and the closure could not take place while there was still money owing on the account which Mr P was required to repay for the account to be fully closed.

On referral to the Financial Ombudsman Service, our Investigator said that TSB had wrongly advised Mr P about stamping the bank statements and that it should pay him £75 for the inconvenience. Regarding the closure of the account she said TSB was entitled under its terms and conditions to close any account, having given adequate notice.

I issued a provisional decision. in it I said that I was not satisfied that TSB had done enough to show that it followed its own procedures or acted fairly and reasonably when deciding to close Mr P's account. In light of my provisional findings, I proposed that the compensation be increased to £350.

TSB said it had nothing further to add. Mr P didn't respond to my provisional decision.

## 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.

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My provisional findings are set out below, in italics:

*“Mr P visited the branch of TSB in order to obtain copy bank statements with an official stamp on them which he needed for a visa application. At the time the banking staff told Mr P that it was sufficient for him to have the statements on headed paper. He insisted that it wasn't and he managed to obtain statements duly stamped from another branch of TSB. The bank staff clearly misadvised Mr P.*

*Following his visit to the branch, Mr P found himself being accused of having behaved aggressively and TSB made a decision to close his account with it. Mr P admits that he was significantly emotional and upset about the matter, but not aggressive and that he did ask the manager repeatedly to stamp the bank statements. And he admits to pointing his finger at the manager. But he feels that the case has been concocted against him. He says he was told that the rules had changed. At this point he says he became very upset and told the manager he didn't believe her and she had lost his trust as a client. He told her also that he had a feeling TSB had been sabotaging his request for some reason. He says he felt humiliated and discriminated against because of where he comes from.*

*We've asked TSB if it has the CCTV evidence from the day, but that evidence is not available now. However I understand that branch manager was able to review this evidence and said that “CCTV doesn't show the inside of the interview room but does show concerned staff members standing close to the office whilst the customer raised his voice.” I'm concerned that this evidence which was considered as part of TSB's decision to close Mr P's account was not made available to him. He has only been sent still screenshots of the CCTV which I don't think would likely be useful evidence.*

*So far as any information disclosed to Mr P about his alleged behaviour is concerned, this appears to be that he was, “aggressive” when taken to a consultation room. He says that the branch manager referred to there being witnesses of the alleged aggression. And in the letter where TSB advised Mr P that it was closing his account it said that this followed the “incident of aggressive behaviour”. In its final response letter it said*

*“The branch has provided very different recollections of the events to those which you have related. Therefore, based on all the information I have, I am satisfied our decision to close your account is the right decision. We'd like you to know we don't put up with abusive behaviour or threatening and inappropriate language. Moving forward we expect you to behave in the way you'd expect bank staff to behave.”*

*I should emphasise that abusive behaviour within a bank is not something to be condoned, and TSB has a responsibility to protect its staff from any such behaviour. However TSB took no statements from its staff at the time and has only provided a statement after our Investigator asked about the matter. And this didn't include statements from the witnesses. We asked TSB to provide its guidelines in respect of alleged abusive behaviour by a customer in branch and its procedures in deciding to close the customer's account. Those procedures clearly set out that details of the abusive incident must be recorded on customer notes, and the severity of the abuse must be taken into account. The note says:*

*“CL233 account closure letter sent to customer 14 April. Customer came to branch 13 April displaying aggressive behaviour to staff insisting statements being printed and till stamped. When questioned, he became abusive and started insulting staff. [name] gave approval for 30 days' notice.”*

*The procedure also states that before closing the account a second opinion must be taken from a regional or external office outside of the branch. This should be a review of all evidence available such as reviewing CCTV and listening to calls. However no notes were taken of that review, if it took place, and TSB has told us that everything was done verbally. I'm not satisfied that TSB has evidenced that it followed its own procedures when deciding to*

*close Mr P's account. Only brief notes were taken off the incident, and no notes were made of its follow up processes. And ultimately, it's not done enough to demonstrate that the behaviour was so unreasonable that it warranted account closure (only of one account).*

*Clearly this whole matter started because TSB asserted that Mr P did not need the copy bank statements stamped by it. I understand that it was wrong in that respect.*

*And whilst I accept that the staff at the bank need to be protected and no unreasonable behaviour within the branch should be condoned, I don't think, for the reasons set out above, that TSB has done enough to show that it followed its own procedures or acted fairly and reasonably when deciding to close Mr P's account. I note that it only closed one out of three accounts.*

*I note that Mr P felt he was discriminated against in that he believes TSB has characterised his behaviour as a stereotype of his ethnic origin. TSB has denied that its conduct of the matter was discriminatory, rather it was based on bank policy. I should say that I can't make a finding of discrimination, only a court can do that. But I have considered whether TSB acted fairly and reasonably towards Mr P. And I think for the reasons set out above that it didn't do so. And Mr P suffered significant distress because of this, in particular he felt humiliated because his reasonable request had been persistently ignored. He felt he was being singled out. He was also caused some inconvenience because his account wasn't able to be fully closed And he found himself having to make manual payments for direct debits.*

*I note that TSB agreed to a payment of £75. This was in respect of its failure to advise Mr P properly about the bank's policy on stamping statements. I think, in light of my findings that it should increase the compensation to £350."*

As neither party responded substantively to my provisional findings, I remain persuaded by them. Those findings are now final and form part of this final decision.

### **Putting things right**

TSB should pay Mr P £350 compensation.

### **My final decision**

I uphold the complaint and require TSB Bank plc to provide the redress set out under "Putting things right" above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 14 May 2024.

Ray Lawley  
**Ombudsman**