

## The complaint

Mrs C complains about Barclays Bank UK PLC being responsible for her being mugged after she left their branch having withdrawn £4,000 cash.

## What happened

I issued a provisional decision on 17 March 2024, and this is what I said:

*I've considered the relevant information about this complaint.*

*Based on what I've seen so far, there will be a different outcome to what our investigator proposed. Before I issue my final decision, I wanted to give everyone a chance to reply.*

*I'll look at any more comments and evidence that I get by 7 April 2024. But unless the information changes my mind; my final decision is likely to be along the following lines.*

### *The complaint*

*Mrs C complains about Barclays Bank UK PLC being responsible for her being mugged after she left their branch having withdrawn £4,000 cash.*

### *What happened*

*In August 2023, Mrs C visited a Barclays branch to withdraw £5,000 cash.*

*Mrs C says that due to being made to wait and the cashier speaking loudly she decided to reduce this to £4,000.*

*Unfortunately, Mrs C was mugged soon after she left the branch and her £4,000 was stolen.*

*Mrs C complained to Barclays as she feels they:*

- 1. Didn't follow their procedure regarding scams and give her advice of alternative payment method*
- 2. Brought her transaction to the attention of the criminal as:
  - a) She became conspicuous by being left standing at the counter for 14 mins*
  - b) A cashier in 'a very loud voice' first asked her how much money she wanted and then asked her to repeat it twice**
- 3. Didn't make her aware of recent muggings and assaults in the area*
- 4. Didn't offer her assistance*
- 5. Allowed people to linger around the counters listening to customer interactions*

*Barclays didn't uphold Mrs C's complaint, so she brought it to our service.*

*Our investigator didn't uphold Mrs C's complaint either. As Mrs C remains dissatisfied this complaint has been referred to me to look at.*

### *What I've provisionally 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.*

*Having done so, I have a different view to the investigator, and I'll explain why I'm partially upholding this complaint.*

*I would first like to say I'm very sorry to hear about Mrs C's traumatic experience and I recognise the impact this must've had on Mrs C both personally and financially.*

### **CCTV**

*My first action was to clarify if CCTV evidence, to both assist a police investigation and support Mrs C's complaint, was available. Barclays said:*

*'We did not retain the CCTV or a copy of the CCTV as we would only do so if requested to do so by the police or relevant statutory authorities. As the police did not request a copy within 31 days of the incident the CCTV was destroyed and is not available to view. This is in line with our policy see attached CCTV responsibilities'.*

*I was surprised that the CCTV footage had been destroyed as there is a Barclays file note which shows:*

- *It was viewed and discussed with Mrs C by a Barclays assistant manager within a week of the incident*
- *Evidence of the perpetrator was captured on camera:*
  - 'A person which matches Mrs C description, waiting in the queue for the self-service devices, letting people go in front of her and then proceeds to leave the branch around 30 seconds after Mrs C and go in the same direction'*
- *Evidence of Mrs C's branch actions:*
  - 'Mrs C approached the till at 12.40pm where she initially asked to withdraw £5000 however the colleague on the till was leaving for lunch so another colleague took over the till which meant Mrs C didn't get served until 12.54 where she then changed the sum to £4000'.*

*So, I asked Barclays to explain the reason for the destruction of the CCTV. They provided information on their policy and procedure which I've read. But having considered this and the content of the CCTV footage, for the following reasons, I think Barclays should've retained this:*

- *Barclays policy says the purpose of the CCTV is to:*
  - 'It's only used for colleague and customer safety/detection and prevention of criminal activity'*
- *Without the CCTV footage it's more likely than not that:*
  - The police won't be able to apprehend the criminal, bring them to justice and / or attempt to recover any of Mrs C's stolen money*
- *Our service will find it difficult to make a determination on Mrs C's points of complaint that Barclays dispute*
- *There was a high likelihood that both the police and our service would require this for investigating the incident and complaint. The police subsequently did try and obtain this.*
- *Although Barclays policy is only to retain images for 31 days because 'Data Protection Act 1998 information handling standards applicable to processing personal data on computer now apply to CCTV systems', the ICO say:*
  - 'Where information is no longer needed, then you should delete it'.*
  - 'On occasion, you may need to retain information for a longer period for a specific purpose. For example, where a law enforcement agency is investigating a crime and*

*asks for you to preserve it to give them an opportunity to view it as part of an active investigation’.*

*So, considering a Barclays representative knew there was evidence of the perpetrator on the CCTV, the crime had been reported to the police and Mrs C felt Barclays contributed to this, I would’ve expected Barclays to have either retained the CCTV footage for the police, even if after their deadline, or escalated the matter to a data controller / senior manager to request delaying destruction due to the high likelihood that the police would soon be in contact. In addition, I noted that despite saying the CCTV footage was destroyed in line with their 31 day procedure. But more than 2 months later, on 1 November 2023, they wrote to Mrs C and said, ‘to provide CCTV records, a Police report has to be received to ensure that the right process is being followed’, so it isn’t clear when Barclays destroyed the evidence and if they did follow their procedure here.*

*Therefore, on this CCTV point, I think Barclays have let Mrs C down and I will be requiring Barclays to pay compensation of £250.*

### *Balance of probabilities*

*In cases like this where there isn’t any CCTV footage and information is incomplete, inconsistent or contradictory, I must reach my decision on the balance of probabilities – in other words, what I consider most likely to have happened in light of the available information.*

*As detailed in the ‘What happened’ section of this provisional decision, I’ve listed 5 ways in which Mrs C feels Barclays contributed to her mugging. I looked closely at each point.*

- *Point 1*

*I considered whether Barclays followed their procedure regarding scams and whether they advised Mrs C of alternative payment methods. Barclays have explained the following procedure about protecting customers who make large withdrawals:*

*‘Make customers aware of scams before proceeding with any withdrawal of £10,000 or more or £5000 if the customer is aged over 65’.*

*But Mrs C says she initially asked for £5000 and only asked for £4000 because of the cashier speaking loudly. Also, she says a Barclays representative admitted they should’ve followed the above procedure.*

*The following Assistant Manager file note potentially supports Mrs C’s point that scam information wasn’t given:*

*‘I fully agree we could have done more as a bank to protect our customers’*

*It’s difficult to know the context here and what the assistant manager is referring to. He says;*

*‘not once did I mention that we did not follow the correct process’ and he was trying to be sympathetic due to Mrs C’s distress.*

*Although I’m persuaded that this was the case, I think it more likely than not that he recognised the scam procedure wasn’t followed. I say this because his comment that:*

*Mrs C ‘approached the till at 12.40pm where she initially asked to withdraw £5000’ and other comments appear to be commentary on the CCTV footage that he watched.*

*However, although I think on balance of probabilities that there was an error and the procedure wasn’t followed, there isn’t any information to suggest that Mrs C had any concerns about who she was intending to pay the money to.*

*Regarding whether Mrs C was warned about the risk of withdrawing a large amount of cash and offered advice on alternative payment methods, Barclays say they always make their*

customers aware of alternative ways of moving money. As Mrs C was served by two cashiers, I think she probably was given this advice. Also, as she reduced the amount she required, I think she probably knew there was an associated risk but had a specific reason for withdrawing cash.

- Point 2

I'm satisfied that Barclays did leave Mrs C standing at the counter for 14 mins and a cashier spoke loudly. This is because this is mentioned by both Mrs C and the Assistant Manager in his statement that seemingly describes the CCTV footage.

It appears likely from the same description that a perpetrator was in the branch observing. However, it isn't possible to determine how long they were there, what else was happening in the branch or who else was withdrawing cash.

Also, Cashiers have to speak loudly due to a screen and, as mentioned by our investigator, cashiers need to make themselves be heard to count out money. And these type of events and transactions occur regularly in a busy branch.

So, although I can understand Mrs C thinking Barclays caused her to be targeted, I don't think this can be determined and that I can fairly hold them responsible for Mrs C later being mugged.

- Point 3 and 4

Mrs C says that a Barclays representative admitted they were aware of muggings that had happened in the area. Unfortunately, muggings do happen in most large city boroughs and as mentioned in my above response to point 2, I think it likely that Mrs C was asked if she was sure she wanted to withdraw cash. Also, whilst I have sympathy for what happened to Mrs C and don't think she is at all at fault for what happened, I think there is also a responsibility on customers who require cash to consider risk factors.

Also, there is no obligation for Barclays to provide an escort service. I think this would be difficult and impractical for them to do so and instead it's clear they encourage customers to use payment methods with a lower risk. Furthermore, if a customer chooses a payment method with a higher level of risk, I don't think a bank is responsible for risk mitigation.

I also considered whether Barclays should've offered a room for large transactions. But there isn't any information to show this was requested by Mrs C or whether Barclays have this facility. Also, different people have very different attitudes to carrying large amounts of cash so as mentioned cashiers would encourage other payment methods.

- Point 5

It isn't possible to observe the perpetrator to see if they were acting suspiciously and, as banks have significant volumes of people visiting a branch with some needing to wait and others accompanying customers, I don't think banks can be expected to question or challenge a person if they're 'lingering around'.

Also, a perpetrator could be a customer, and there isn't a requirement for Barclays to employ a security guard. In addition, cashiers would be focussed on customers, so I wouldn't expect them to be either looking at people or have reason to be suspicious.

### Summary

Having considered the above points raised by Mrs C and all the information on file, I don't think I can fairly hold Barclays responsible for the fact that Mrs C was later mugged.

I do though think Barclays let Mrs C down by destroying the CCTV. I think it unlikely that Mrs C would've got back the £4,000 that was stolen even if Barclays had kept the footage. It isn't possible to know if the perpetrator would've been identifiable but, given that Barclays knew a crime had been committed and Mrs C thought the perpetrator was on the recording, for the reasons mentioned, even if the police hadn't yet approached them, they should've kept the

CCTV. By not doing so, there is little chance of the perpetrator being caught and Mrs C getting justice.

So, my provisional decision is to partially uphold this complaint and I require Barclays Bank UK PLC to pay Mrs C £250 compensation.

*My provisional decision*

*For the reasons I've given above, it's my provisional decision to partially uphold this complaint and I require Barclays Bank UK PLC to pay Mrs C £250 compensation.*

*I'll look at anything else anyone wants to give me – so long as I get it before 7 April 2024.*

*Unless that information changes my mind, my final decision is likely to be as I've set out above.*

## **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.

I would like to thank both parties for their responses to my provisional decision.

Barclays said they accepted my provisional decision.

Mrs C's representative expressed dissatisfaction and made further submissions. These included the following information and comments:

- The CCTV:
  - That the police did request the CCTV coverage to be saved.
  - Mrs C informed the branch at least twice of this. This included a visit to the branch a couple of days after the incident and on the day of the incident Mrs C's son went to the branch to discuss the matter.
  - Mrs C was informed she couldn't view the footage, but she described the mugger to the Barclays Assistant Manager who confirmed the person was on the CCTV footage and left about 30 seconds after her.
- Point 1 (Barclays didn't follow their procedure regarding scams and give her advice of alternative payment method):
  - *'The procedure was not followed, not even for a 78 year old disabled customer, knowing full well that the gang was operating in the area'.*
  - The teller barely spoke to Mrs C, as she had been put under pressure to finish the transaction following the first teller going off for lunch.
  - *'Mrs C did not reduce the amount due to the threat of robbery, but she simply decided she didn't need it'.*
- Point 2 (Barclays brought her transaction to the attention of the criminal):
  - *'The branch was extremely busy, the queue was getting impatient with the long delays, Mrs C had decided to use the desk instead of the service till, as she has been told this is the safer option'.*
- Point 3 (Barclays didn't make her aware of recent muggings and assaults in the area)
  - *'The local doctor's surgery who cared for Mrs C after the event knew about the gang, why did Barclays not know and share the information'.*
- Point 4 (Barclays didn't offer her assistance)
  - Mrs C has disabilities. She can only walk very short distances even with the aid of a stick and some of her disabilities are visible to the naked eye.
- Point 5 (Barclays allowed people to linger around the counters listening to customer interactions):

- The perpetrator being a customer is most unlikely.
- It's understood *'that there is no requirement for a security guard, but if supermarkets and other shops can have them, why does a bank not feel it necessary to protect its customers?'*

I've considered all of Mrs C's points and I'll focus on new and important points I've considered again to reach a final decision.

### CCTV

I now have a clearer picture of the CCTV requests that were made and how the suspect was identified. I still think Barclays made an error in not retaining the CCTV and, as the police now won't be able to apprehend the criminal, bring them to justice and / or attempt to recover any of Mrs C's stolen money, I consider £250 to be a fair and reasonable amount of compensation here.

### Point 1

I also still think it more likely than not that the scam procedure wasn't followed, but there isn't any information to suggest that Mrs C had any concerns about who she was intending to pay the money to and that she would've chosen not to withdraw cash.

It isn't possible to know whether Mrs C was warned about the risk of withdrawing a large amount of cash and offered advice on alternative payment methods. However, I think she had a specific reason for withdrawing cash and probably was aware there was an associated risk.

### Points 2, 3 and 4

I understand Mrs C's upset and frustration that she wasn't warned about gang activity, however I can't see any evidence that Barclays and their staff were aware.

Also, there is a responsibility on customers to consider risks and their mitigation and, as mentioned, it isn't possible to know what conversations took place.

I recognise Mrs C's disability added to the risk. But Barclays don't have a protocol to offer customer assistance when they leave a branch and I think it was for Mrs C to plan both her support and security upon receiving the cash and leaving the branch.

Although I can understand Mrs C thinking Barclays caused her to be targeted, I don't think this can be determined and that I can fairly hold them responsible for Mrs C later being mugged.

### Point 5

The Barclays branch didn't have a security guard and, as other types of businesses do, Mrs C feels they've been negligent. But the provision of security is a business / commercial consideration and there isn't a requirement. So, I can't say Barclays did anything wrong. And, although I sympathise with both Mrs C's traumatic experience and loss, once the cash is passed to a customer it becomes their responsibility.

So, having considered everything again, whilst I appreciate Mrs C will be dissatisfied, for the reasons mentioned above and in my provisional decision, I'm still partially upholding this complaint. And I require Barclays Bank UK PLC to pay Mrs C £250 compensation for not retaining the CCTV footage.

### **My final decision**

My final decision is to partially uphold this complaint and I require Barclays Bank UK PLC to:

- Pay Mrs C £250 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs C to accept or reject my decision before 15 May 2024.

Paul Douglas  
**Ombudsman**