

The complaint

Mr O complains about service at a branch of Bank of Ireland (UK) Plc (BOI).

What happened

Mr O moved his account to a different branch of BOI in 2022, having had a long-standing relationship with BOI up to that time. In early October 2022, he visited the branch, and there was a conversation about cash withdrawals with the branch manager.

Mr O's complaint:

- he was told there was a cash withdrawal limit of £20,000 per annum and he didn't believe this was correct. He wants BOI to admit the branch manager was wrong.
- BOI mentioned in one of their letters about the regulations regarding source of funds when paying in cash. But that wasn't relevant.
- He had never made either large withdrawals or deposits of cash, so couldn't see why these things were said.
- BOI logged a complaint for him - when he didn't ask for that to be done.
- BOI's letters made him feel like a criminal who was money laundering. He also said their letters were 'arrogant'.
- He said BOI 'trivialised the matter' when dealing with his complaint.

BOI's responses:

BOI wrote to Mr O several times – on 18 November 2022; 9 December 2022; 25 January 2023; 28 February 2023 and 14 March 2023. The letters said:

- BOI had investigated the matter thoroughly.
- They had checked with the branch manager and apologised for any misunderstanding. Mr O was not advised there was an annual withdrawal limit of £20,000 but was told that any withdrawals of £20,000 or over needed Head Office approval – to comply with money laundering regulations.
- Because the conversation took place in branch, there isn't a recording or record of it, so there wasn't any way of knowing exactly what was discussed.
- In one of the letters, BOI mentioned cash deposits – and this wasn't one of Mr O's complaint points. And he hadn't paid in any cash – BOI apologised for this reference.
- They offered to provide documents under a Data Subject Access Request (DSAR).
- In order to resolve Mr O's complaint, BOI paid compensation of £50 and £150.

Our investigation:

Mr O rejected the offered compensation and brought his complaint to us. Our investigator said BOI acted reasonably in dealing with his complaint and said the compensation of £200 was sufficient to resolve it. Mr O disagreed and asked that an ombudsman look at his complaint, and so it has come to me to make a final 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.

Our process is that an ombudsman looks at a complaint afresh. Allow me to say at the outset that I've reviewed fully all of Mr O's letters to us and to BOI; and BOI's internal records as to how they investigated Mr O's complaint. I can see that he feels very strongly about what happened.

The visit to the branch in October 2022 - is at the crux of Mr O's complaint. He says he was told (by the branch manager) that he couldn't withdraw more than £20,000 per annum from his accounts – which he said didn't make sense and must be wrong. BOI say Mr O was not told that, but rather that any withdrawals of more than £20,000 needed Head Office approval.

The problem for me is that I wasn't there, nor is there a recording of the conversation – nor could there be. So here, where the information I've got is incomplete, unclear or contradictory (as some of it is here) I must base my decision on the balance of probabilities. That is – what's more likely than not to have happened in all of the circumstances here, based on the available evidence.

It's not clear why the conversation actually took place - as Mr O didn't apparently ask to withdraw £20,000.

There is nothing in BOI's processes that say that there is an annual withdrawal limit of £20,000; but their processes do say that cash withdrawals of £20,000 and over must be approved by Head Office. The latter is to comply with money laundering regulations. That's consistent with what BOI say Mr O was told.

So – for BOI's branch manager to say what Mr O alleges – she must have misunderstood BOI's rules and processes or gone against them.

I find both possibilities unlikely – I say that as clearly, many BOI customers will want to draw out more than £20,000 each year, and if there was a rule about that, it would be imposed frequently and be well understood and known by staff. I also consider it unlikely that the branch manager 'went against' the process / rule, as there would be no reason, or understandable cause for doing that.

So here – based on what was more likely than not to have happened - my decision is that there must have been an unfortunate misunderstanding. And everything else that took place was as a result of that. I know it's unlikely that Mr O will agree, and will be disappointed, but that's my decision.

Mr O has said BOI made an error in mentioning the regulations for asking about the source of funds when paying in – and he hadn't complained about that. I accept BOI made an error here, but I don't consider this should've caused concerns to Mr O – as I see it, BOI were just being thorough.

Mr O says he didn't ask for a complaint to be opened. I've considered this – and it's reasonable to say that as Mr O had expressed dissatisfaction with BOI's service, they treated that seriously and logged a complaint – this meant his issues were properly looked at and investigated. That's what we would expect BOI to have done.

Mr O has said he was made to feel like a 'criminal' by BOI's letters – as they set out the money laundering regulations (the reason for the checks). I've considered this, and reviewed BOI's letters – and I'm afraid to say I can't see how Mr O should feel that way: BOI were simply setting out the reasons for the checks they have in place.

Mr O also says BOI 'trivialised' his complaint. I looked at BOI's investigation notes, and I think it's fair to say they looked into Mr O's allegations very seriously. They contacted the branch manager concerned; looked at the bank's rules and processes; spoke to Mr O several times and wrote five letters to him. I think therefore it's reasonable to say that BOI took Mr O's complaint seriously.

Mr O says BOI's letters were 'arrogant'. I've considered this point. I know that style of writing can be subjective, but in my view the letters were thorough and courteous. They covered all of Mr O's complaint points and each time, tried to address his concerns.

I accept that Mr O will be disappointed with my decision. But the crux of this complaint is what seems to have been a simple, but unfortunate misunderstanding. And BOI have paid compensation of £200 for what happened, and I'm satisfied that is a fair and reasonable way to have settled Mr O's complaint. So - I'm not asking BOI to do anymore here.

My final decision

I do not uphold this complaint.

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

Martin Lord
Ombudsman