

The complaint

Mr R complains that Nationwide Building Society have provided him with poor customer service, and they have made unfounded allegations against him.

What happened

Mr R says he visited a Nationwide branch on 24 April 2023. He says a member of staff tried unsuccessfully to force him to use an Automated Teller Machine (ATM) when he wanted to be served at the counter instead, which he says caused him public humiliation, in the way the member of staff spoke to him. He says the staff member did not apologise to him, and the branch staff were disrespectful to him. Mr R says that the branch manager did not witness what happened as she was in an office while it occurred, but she turned up as he was concluding his business with the staff member. Mr R made a complaint to Nationwide.

Nationwide did not uphold Mr R's complaint. They said they obtained statements to assist with their investigations and this confirms at the time of Mr R's visit there was only one other member present in the branch, and therefore as they were not busy, a member of staff was stood by the doorway to meet and greet their members rather than serving behind a counter. They said it is their usual process to ask if they can help, because if it's a transaction which can be done at the ATM they encourage their members to do this with their support, but if Mr R didn't want to do this he was welcome to use the counter, which happened on this occasion. They said that so Mr R didn't have to wait, he was served by the same member of staff at the counter who let him know she could have helped him with this at the ATM, and Nationwide said there was no intention to cause upset by making this comment.

Nationwide said the branch manager confirmed that while she didn't see Mr R when he first came into the branch, she heard the whole conversation at the counter, and Nationwide received a further independent witness confirming he was rude and aggressive to a member of staff. Nationwide said Mr R used a condescending tone and raised his voice towards their staff. So they registered a warning on his account for six months. Nationwide said the branch manager offered to log a complaint, but he declined, and he spoke to a complaint handler over the phone. They said the complaint handler remained calm and professional, and when Mr R asked for the name of his manager, he provided this, but his manager would not take over the call as the complaint handler was a senior complaint handler. They said staff are not obliged to provide surnames. Mr R brought his complaint to our service.

Our investigator did not uphold Mr R's complaint. She said it's clear this situation has left Mr R very upset. But as we are an impartial service, this means we do not take sides and so as she has not identified where Nationwide have made an error or acted unreasonably, she was unable to conclude that they did anything wrong. Mr R asked for an ombudsman to review his complaint.

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.

Firstly, I'm aware that I've only summarised Mr R's complaint points. And I'm not going to respond to every single point made by him. No discourtesy is intended by this. Our rules allow me to take this approach. It simply reflects the informal nature of our service as a free alternative to the courts. If there's something I haven't mentioned, it isn't because I've ignored it. I haven't. I'm satisfied I don't need to comment on every individual point to be able to reach what I think is a fair outcome.

I'd like to explain to Mr R that it is not within this service's remit to tell a business where they should position staff, whether it to be on the counter or at the front door, or which method they can encourage members to carry out their day to day transactions. I'm also unable to tell a business how to handle the complaints they receive such as making them give out surnames to members or mandating that senior complaint handlers managers must take a call if a member insists. It would be the role of the regulator – the Financial Conduct Authority, who have the power to instruct Nationwide to make changes to their policies and procedures, if necessary.

I've noted the strength of feeling that Mr R has about his experience in the branch in April 2023. He felt publicly humiliated and disrespected by the branch staff. So I asked Nationwide if they had the Closed-Circuit Television (CCTV) of Mr R's branch visit. While I would not expect this to contain audio, it may show the body language and give me an insight as to what happened on this date. But Nationwide have confirmed that this is unavailable as 60 days has passed since the date of Mr R's visit. So unfortunately I'm unable to rely on this here.

I've listened to the phone call that Mr R had with Nationwide after he visited the branch. Mr R details the conversation he had with the member of staff standing at the door who asked him *"can I help you"* and Mr R replied *"no"* and he went to the counter, but there was only one cashier serving at the time. He said the staff member who was at the door went behind the counter and he says she rudely told him *"I could have served you at the ATM you know"*. Mr R says he told her he didn't want to be lectured by her, to which the cashier replied she wasn't lecturing him, but Mr R felt she was trying to get him to do something he didn't want to do.

Mr R says he got an A4 statement and as he was about to walk away from the counter, the branch manager was looming over his shoulder and said *"I believe you have a complaint"*, which Mr R confirmed he did, but he wouldn't be discussing it with her as she was friends with the person he was complaining about. Mr R says the branch manager was sarcastic in her tone and *"these people need to be taken down a peg or two"*.

I've also read the testimonies from two people from the Nationwide branch. Mr R is described as being extremely rude to the member of staff he first spoke to, and he asked to be served by another person. They said he was rude and aggressive with his tone, and another statement said he was raising his voice against staff, and he came across as aggressive when he said he was going to raise a complaint against staff, and he was shouting.

When it comes to complaints where it's one word against another, I have to consider the evidence available to me. I then have to weigh the evidence against the balance of probabilities, that is, what's more likely to have happened in the circumstances. Here, I'm persuaded that there is likely to be misunderstanding on both sides as different people can interpret the same thing differently, especially if they are involved in the moment themselves. The Nationwide staff might have interpreted Mr R as being rude by replying *"no"* to someone asking if she can help him, and walking away to the counter. But from Mr R's point of view, he wanted to visit the counter, so in that respect the member of staff couldn't

have helped him if he thought she was just going to help him use the ATM, which he didn't want to use.

Mr R may have felt that the staff member was speaking down to him or lecturing him, whereas the staff member may have just been explaining that he could deposit a cheque at an ATM and she could have helped him.

Based on Mr R's transactions that he told us he completed that day, the ATM wouldn't have been able to complete everything Mr R wanted to do, so it's likely he would have been referred to the counter/another person regardless as he said he got a monthly statement on A4 paper, which the ATM would be unlikely to produce in this format. As Mr R didn't tell the staff member what he wanted to do when he entered the branch, the staff would not be aware at the time that the ATM couldn't facilitate everything he needed that day.

If Mr R felt the staff were being unhelpful, this could be frustrating, so if he raised his voice as he didn't want to use the ATM, or to object to a complaint being raised in branch, then Nationwide may have interpreted this as him shouting if it was in a louder voice than what he had previously spoken to them, while Mr R may have been frustrated at the situation and wanted to leave the branch without speaking to a manager, as my understanding is he didn't ask to speak to a manager.

I've then listened to the call that Mr R had with the complaint handler. Mr R recounts what happened in the branch, and the complaint handler tells him he's received statements from the branch as to their side of what happened and that Mr R was quite frustrated when he was greeted. Mr R's voice audibly gets louder as he says *"I did not express any frustration until I reached the counter"*. The complaint handler asked Mr R to stop raising his voice, and Mr R said *"I don't wish to speak to you any further"*. Mr R asks for his manager's name, which the complaint handler gives Mr R, and Mr R asks for the manager's surname, which the call handler said he was not obliged to give that out. Mr R then tells the complaint handler he would be putting in a further complaint about the call handler and his manager and says *"goodbye"*.

I'm satisfied that the call handler was professional throughout this call and in line with Nationwide's processes he wasn't obliged to give out any surnames or transfer the call to someone else, when he was a senior complaint handler. I'm not persuaded that the request for Mr R to stop raising his voice was an unreasonable one as Mr R's voice was audibly louder than when he first was on the call. So if Mr R had done the same thing in the branch, they may have considered this as shouting.

Mr R was given a warning for this which would stay on his record for six months. He was told in the final response letter dated 28 April 2023 that he used *"a condescending tone and raised your voice towards our staff. You also continued to show this type of behaviour during our call together"*. As Mr R did raise his voice on the call with the complaint handler, I'm unable to ask Nationwide to remove the warning from his profile. While Mr R may feel he was just trying to make himself clearer, he was clear prior to raising his voice, it's just he and the complaint handler did not agree with the version of events that happened. So it follows I don't require Nationwide to do anything further.

My final decision

I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 4 January 2024.

Gregory Sloanes
Ombudsman