

The complaint

Mrs O complains that she and a family member were treated in an aggressive manner when they tried to register a power of attorney and she was then told her account would be closed.

What happened

Mrs O has explained that she has needs assistance with her financial affairs and visited a Halifax branch in November 2022 with a family member to register a power of attorney. She says they were treated in a dismissive way and told they would need an appointment to register the power of attorney. She says she had been able to register a power of attorney elsewhere without an appointment and when she mentioned this the staff member became defensive and said he would get a manager. Mrs O made a comment as he left to which the staff member responded aggressively, and Mrs O says the manager then spoke to them in an aggressive way. Mrs O says that the manager then took the power of attorney saying that he would register it but instead took down her details and said her account would be closed as abuse wouldn't be tolerated.

Halifax issued a final response saying it had zero tolerance for inappropriate or abusive behaviour. It noted Mrs O didn't think the situation warranted the action taken by Halifax, but it said it had a duty of care to its colleagues.

Our adjudicator didn't uphold this complaint. They said that Halifax is under no obligation to continue offering an account to a customer if it doesn't want to do so and that closing an account is a commercial decision. They said that the account terms said the account could be closed without advance notice in certain circumstances including a customer behaving improperly. Our investigator noted that there were conflicting testimonies about the events in branch and said that they couldn't therefore reach a conclusion and so they couldn't say that Halifax was required to do anything further.

Mrs O didn't agree with our investigator's view. She accepted that the manager had the discretion to close her account but said the decision was based on deceit. She said the testimony from the manager was dishonest and that an internal investigation had found the manager to be unprofessional. She said the allegation that she was abusive was deceitful and that the treatment she received from the manager was disgusting. She said she hadn't been treated fairly.

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 make my decision based on the individual circumstances of each complaint. Where the evidence is inconsistent, incomplete or contradictory (as it is in this case), I make my decision based on the balance of probabilities. That is what I consider to most likely to have happened given the information provided and the wider circumstances.

Mrs O wanted to register a power of attorney. Halifax has said that it was explained to Mrs O

that due to staff absences it wasn't able to register the power of attorney at that time but that an appointment could be booked, or the power of attorney could be registered online or by telephone. I understand that Mrs O may have been able to register the power of attorney elsewhere without an appointment but as the branch staff explained why this wasn't possible and provided alternatives to Mrs O I can't say it did anything wrong.

There are conflicting versions of the events that then happened. I cannot say for certain what was said or what gestures were made but based on the testimonies I have read I accept that Mrs O and her family member's actions and comments caused upset and offence to the staff members. This may not have been intentional and I understand that Mrs O feels she was being treated unfairly and being caused stress by the actions of the staff, but given the way the staff were made to feel, I find the manager acted reasonably by saying he could no longer deal with Mrs O's request and that he would be exploring options in regard to abusive customers which could result in Mrs O's account being closed.

As has been explained, Halifax isn't required to provide a customer with an account, but we would expect it to follow the terms and conditions of the account and to treat all customers fairly. In the account terms and conditions, Halifax can close an account immediately if a customer is behaving improperly. In this case, given the situation that arose in branch I do not find the manager did anything wrong by alerting Mrs O that her account could be closed. I understand that Mrs O then closed her account and switched to another bank.

I understand that Mrs O feels she wasn't treated fairly, and I note her comment about the manager taking the power of attorney under false pretences and Halifax acknowledging that he acted unprofessionally but given the overall circumstances of this complaint I do not find that I can say Halifax was wrong to say the account could be closed.

My final decision

My final decision is that I do not require Bank of Scotland plc trading as Halifax to do anything further in resolution of this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs O to accept or reject my decision before 30 October 2023.

Jane Archer
Ombudsman