

## **The complaint**

Mr and Mrs S are unhappy with an unsolicited call they received from a staff member of TSB Bank plc ("TSB") following a visit by them to a branch. They are concerned the call was fraudulent and they were targeted because they were vulnerable and elderly. They complain that TSB have failed to investigate this properly and received poor customer service.

## **What happened**

On 5 September 2023 Mr and Mrs S visited a branch of TSB and opened a joint savings account. The staff member of TSB who saw Mr and Mrs S made a note to ring Mr and Mrs S to discuss potential savings for an instant access saver at a good rate but with no penalty.

Mr and Mrs S received this follow up call on 13 September. Mr and Mrs S were distressed to receive this call and although they accept the person was the TSB staff member they saw in branch, they believed he was trying to defraud them and had accessed their details inappropriately. Being uncomfortable with the questions asked and the purpose of the call, it was ended after it was made known by Mr and Mrs S they wanted a call from the branch manager.

On the same day Mrs S called TSB customer relations. Initially the person Mrs S spoke to thought the call was unusual, but after looking into it assured her the call was genuine and that their money was safe. They explained the branch manager was on annual leave so Mr and Mrs S couldn't speak to them until their return on 18 September.

The branch manager returned a call to Mr and Mrs S on 18 September, but Mr and Mrs S didn't feel that their concerns were being taken seriously and so TSB's customer relations manager made a further call to discuss this on 21 September. But again, they didn't feel their concerns had been addressed in that TSB wrongly redefined their complaint was about inadequate communication and were not happy with the £50 compensation offered and so submitted a complaint via TSB's online banking.

They were unhappy using this avenue as they found it difficult and had to provide their account and personal details over an unencrypted open unsecured email exposing them to a potential data-breach. They are unhappy at the options available to submit their complaint and despite making phone calls to discuss their concerns they feel they haven't been taken seriously and were repeatedly told to bring their complaint to this service.

One of our investigators looked into Mr and Mrs S's concerns but having considered all the information provided by TSB and Mr and Mrs S about the events leading to their complaint they didn't think TSB had acted unreasonably or outside its entitlements.

Mr and Mrs S disagree. They say TSB failed to investigate whether its staff member had exceeded his authority when he accessed their account details or provide them with a data trail. Furthermore, the options provided to them to take matters forward were impractical given the serious nature of their concerns – they couldn't get hold of the complaints manager by phone, they are physically unable to visit an alternative branch of TSB and are unhappy

using a PO Box address as it's not signed for and don't believe email or online contact is secure.

Mr and Mrs S have asked for an ombudsman's decision on the matter.

### **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 hope that Mr and Mrs S won't take it as a discourtesy that I've condensed their complaint in the way that I have – from the amount of detail Mr and Mrs S have provided I do appreciate how strongly Mr and Mrs S feel about the matter. But as ours is an informal dispute resolution service, I've concentrated on what I consider to be the crux of the complaint. Our rules allow me to do that.

It might help if I explain here my role is to look at the problems Mr and Mrs S have experienced and see if TSB have done anything wrong or treated them unfairly. If it has, I would seek – if possible - to put Mr and Mrs S back in the position they would've been in if the mistakes hadn't happened. And I may award compensation that I think is fair and reasonable.

Firstly, I applaud Mr and Mrs S for being vigilant given the amount of criminal activity there is and not wanting to be another victim of a scam - I can certainly understand their concerns and why they raised this with TSB.

Mr and Mrs S's complaint was initiated due to a call they received which they weren't expecting. They believed the call was an attempt by one of TSB's staff having already obtained their financial details in branch, to defraud them and are unhappy with the way this matter has been handled.

Having considered all the evidence I can't say for certain if this follow up call was discussed or how it was communicated to Mr and Mrs S, but what I think is clear is that both sides have a different perspective on what happened.

Fortunately, in this case I think the call was a genuine call from a member of TSB's staff who wanted to see if they could assist them further with their financial goals. I say this because Mr and Mrs S have a business card that was given to them whilst in branch by the staff member in question and TSB have provided internal notes to show that it was its intention to make this call. So, I'm satisfied that there was no fraudulent intent with the phone call but rather it was a genuine attempt by a TSB staff member to discuss alternative savings options it had on offer for Mr and Mrs S. So, I can't say that TSB have done anything wrong here.

I'm also satisfied having listened to the call recording between Mrs S and TSB's customer relationship manager that they took reasonable steps to address Mr and Mrs S's concerns. They checked the call was genuine and reassured Mrs S that their money was safe and confirmed they'd ask the branch manager to contact them on their return if they still had concerns but that they were away until 18 September. Furthermore, they confirmed the number on which to call Mr and Mrs S on as well as the name of the branch manager that would be calling.

And in-line with this Mr and Mrs S did receive a call back on 18 September - though I appreciate that this was following prompting from Mr and Mrs S's call earlier during the day. Following the call with the branch manager TSB have acknowledged the concerns Mr and Mrs S have, but reiterated that it wasn't unusual for branch staff to call customers and that

the call was genuine and apologised for the distress this caused and compensated them £50 for this which I think is fair in the circumstances.

But Mr and Mrs S don't think this is enough. They are unhappy with the way TSB have investigated the incident or their complaint. They don't feel that TSB have investigated whether its staff member exceeded their authority by accessing their account.

I appreciate Mr and Mrs S's concerns, but I think given no fraudulent activity has been found I can't see what else TSB are expected to do in the situation. And ultimately, it's not for Mr and Mrs S or this service to say how TSB run its internal investigations or when it should consider taking further action. As we are not the regulator, I cannot make TSB change its systems or processes. We offer an informal dispute resolution service and we have no regulatory or disciplinary role. And as I explained above, based on the evidence TSB are satisfied no wrongdoing was intended and ultimately it is not obliged to do anything further.

So, I can't say TSB has done anything wrong here or treated Mr and Mrs S unfairly.

Mr and Mrs S are also unhappy with the ways in which TSB have available for them to raise a complaint or provide it with further information regarding their concerns. But I can see that TSB provide different options for customers to communicate with it including over the phone, through the post, in person and online. Indeed, I understand that Mr and Mrs S have managed to use all these options at different points and so I don't think the options TSB provide are unreasonable.

Finally, I understand Mr and Mrs S are unhappy they haven't received a response to the data subject access request (DSAR). TSB have provided evidence to show that they received a request for credit card statements but say it has no record of the DSAR. Again, based on the evidence I can't say whether this is down to a mistake by TSB or not but If Mr and Mrs S still require this information, I'd advise them to resubmit this request.

So, it follows that having considered all the evidence, I don't think TSB have treated Mr and Mrs S unfairly and I don't uphold their complaint.

**My final decision**

For the reasons I've explained I've decided not to uphold Mr and Mrs S's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S and Mrs S to accept or reject my decision before 23 April 2024.

Caroline Davies  
**Ombudsman**