

Differences in cash deposit at a bank counter

Topic: **Account / Savings account** Case number: **2018/04**

The representative of a cultural association paid in the cash takings from events at a bank counter after first counting the money herself. The cash was accepted by the bank employee and was counted by a machine out of the representative's view. On paying in the third deposit in this manner, there was a difference of 200 CHF between the amount counted by the representative and that counted by the bank, to the association's detriment. The bank only credited the association for the amount resulting from its own count. Together with the association's treasurer, the representative contacted the Ombudsman and requested mediation. During the mediation proceedings, the bank eventually agreed to refund the difference of 200 CHF to the association.

In her written complaint to the bank's management, the cultural association representative expressed her astonishment that a sum of cash paid into an account at the counter is not counted in view of the person paying it in so that any differences could be resolved immediately. In its response to the representative, the bank explained that larger cash amounts would be counted by two independent machines. This was also done in the present case. Because of the difference, the amount would have been recounted by two employees. These would have received the same result, in other words a difference of 200 CHF between the bank's count and that of the association's representative. Upon subsequently checking the counting machines, no notes were found to be stuck inside. Finally, the cash checks performed once at midday and in the evening, must also not have shown any differences in the amount of notes and coins. The bank regretted that it could not be of more assistance in this matter. The bank did not respond to the representative's argument that the cash sum ought to have been counted in her view.

The Ombudsman had no reason to doubt the findings of the bank's investigation. On the other hand, he was faced with a customer representative who was, in turn, credibly defending the results of her count. Ultimately, the cause of the difference could not be determined. However, the Ombudsman considered it fundamentally problematic that possible differences could not be clarified immediately due to the counting method chosen by the bank and the positioning of the counting machine. In the Ombudsman's view therefore, a recognised rule in the banking industry, in which counting the sum at the counter in view of the customer enables the avoidance of any ambiguities, such as the one that occurred here, had been breached. Since the bank was responsible for this fact, the Ombudsman asked it to consider offering the customer a gesture of goodwill. If it refused to do so, it would be asked to provide the Ombudsman with a full statement of its opinion on the matter, including a response to the customer representative's main argument that the cash sum ought to have been counted in her view.

For economic reasons, the bank declared that it was willing to subsequently reimburse the difference to the customer. In its letter of response, the bank stated in a resigned tone that such a case would not be won by a bank from the outset. It criticised the customer's representative and refused to accept the allegation it felt had been made that its employees were guilty of theft. It also stated that cash deposits by non-customers would be scrutinised more carefully in future. The cultural association was a customer of a different unit of the bank.

In his closing letter, the Ombudsman felt compelled to clarify to the bank that no one was being accused of dishonest or criminal behaviour in this case. The counting methods employed here unfortunately resulted in the fact that the error could not be attributed to either party, in other words not to the customer's representative either, and that the existence of the 200 CHF therefore remained unavoidably unresolved. The bank was undoubtedly responsible for the counting method. It was therefore obvious to him that the bank should also bear the consequences arising from said method. The bank would of course have been welcome to explain its procedures and why the counting took place out of view of the customer's representative. However, this case could also be an opportunity for the bank to question the processes employed by it.