

The complaint

Miss F complains that Vanquis Bank Limited won't refund her £300 after a cash machine failed to dispense her money.

What happened

Miss F has a credit card account with Vanquis.

On the 9 May 2019 Miss F attempted to withdraw £300 from her Vanquis credit card, using a cash machine owned by another bank, I'll call R. Miss F says she didn't receive her money, but £300 was later debited from her account.

Miss F says that she originally requested £400 then £350 from the machine but this declined – due to the limit on withdrawal amounts. On requesting £300 she explained the ATM machine displayed a message to say only £20 notes were available which she accepted, her card was returned and the cash dispenser opened but no cash was presented. Miss F contacted Vanquis to let them know she'd been charged for the transaction but the cash hadn't dispensed – Vanquis advised her to wait five days to see if the transaction on her statement was reversed. As this didn't happen Miss F made further contact with Vanquis to dispute she'd received the cash.

Vanquis contacted bank R who provided them with information to show the cash had dispensed and the machine balanced, without any surplus funds. So Vanquis didn't refund the money to Miss F.

As Miss F wasn't happy with Vanquis' decision she complained to our service. One of our investigators looked into Miss F's complaint. He didn't think that Vanquis had acted unfairly in declining Miss F's claim. And was satisfied that there wasn't enough evidence to indicate they'd been a problem with the machine that day.

Miss F didn't accept our investigator's opinion. In summary, she said CCTV should have been requested by the bank and it would show she didn't receive her funds. As Miss F didn't agree, it's been passed to me for a 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. And in doing so I don't think Vanquis need to do anymore here, I'll explain why below.

The cash machine that Miss F used wasn't owned by Vanquis but by Bank R. Bank R have confirmed there were no problems reported with the machine before or after the disputed transactions – and there's no evidence the machine was tampered with. They've also provided evidence to show that the machine balanced – meaning there weren't any surplus funds identified in the ATM – and a copy of the journal role which gives a breakdown as to the transactions which took place before and after Miss F's.

From what I've seen, I don't think it's unreasonable for Vanquis to decline Miss F's refund. This is because:

- Bank R have evidenced that the ATM machine balanced between the 7 May 2019 and 14 May 2019. If Miss F's withdrawal hadn't dispensed I'd have expected to see a £300 surplus.
- I've seen evidence from Bank R that the cash was dispensed in the form of 30 x £10 notes.
- I've thought about whether a cash trap could have been installed – a device placed on the machine that catches a customer's cash when it's dispensed. But I think this is unlikely to have happened in Miss F's case. I say this because I can see from the evidence Bank R provided the transaction prior to Miss F's ended 48 seconds before. And I don't think it's likely a cash trap could be installed in this time.
- Miss F's been consistent in explaining what happened on the day of the transaction. She's also explained wanting to withdraw £500 to make a deposit on an item. But, the ATM journal roll shows that Miss F only attempted to withdraw £400 in her first transaction and she's confirmed not attempting to make any further withdrawals that day or soon after. I find it unusual that Miss F didn't make any further attempts to withdraw the £300 soon after the failed withdrawal.

In response to our investigator's opinion, Miss F said the lack of CCTV footage makes a significant difference to the outcome. It's possible that CCTV footage might have shown she didn't receive her £300. But as this evidence isn't available, I need to reach my conclusion on the information I've been provided with. And I don't think there's sufficient evidence to show the £300 Miss F attempted to withdraw wasn't dispensed. As our investigator explained if the cash was released and taken by another member of the public this isn't the bank's responsibility, and as a consequence this isn't something I can hold Vanquis liable for.

I realise this will be very disappointing for Miss F, but I don't think Vanquis need to do anything further here. And I won't be asking them to refund Miss F the £300.

My final decision

My final decision is I don't uphold Miss F's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss F to accept or reject my decision before 5 June 2020.

Jeff Burch
Ombudsman