

The complaint

Mr M complains Wirecard Card Solutions Limited blocked his account and haven't released money held in the account back to him.

What happened

Mr M had an account which had a card issued by Wirecard and was administered by Pockit. In July 2020, Pockit blocked Mr M's account. At the time Mr M's balance was £60, which Mr M says was made up of his gambling winnings.

Over the following months, Mr M sent emails to Pockit to try and get access to the money in his account. In response, Pockit asked Mr M to explain how he was using the account and how the account was funded. Mr M told Pockit that he funded his account mainly from gambling at bookies and casinos. And had paid his cash winnings into the account. He said he wasn't able to provide any evidence of his gambling transactions other than what could be seen on his account activity.

In August 2021, Pockit wrote to Mr M and told him it was closing his account and returning his account balance to source. But Mr M never received any money.

One of our investigator's looked into Mr M's complaint. He asked Pockit for more information about the review it had conducted and the whereabouts of Mr M's account balance. Other than requesting Mr M's new bank account details, Pockit didn't provide any information. The investigator obtained Mr M's account information and passed this onto Pockit. It's not clear why Pockit asked for this information. But to date Mr M is still without his funds.

The investigator upheld Mr M's complaint. He didn't think Pockit had demonstrated that Mr M wasn't entitled to the money in his account. To put things right he said Pockit should release Mr M's balance to him. Mr M agreed. Pockit didn't respond. So, the matter has been referred to me.

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.

Pockit has important legal and regulatory obligations it must meet when providing accounts to customers. And it must take certain actions in order to meet their legal and regulatory obligations. They're also required to carry out ongoing monitoring of new and existing relationships. That sometimes means they need to restrict customer's accounts – either in full or partially while they carry out their review. And ask customers for information about payments made into an account to ensure it is complying its legal obligations. So, I can't say Pockit treated Mr M unfairly when it *decided* to review Mr M's account – it was entitled to do

so. And having reviewed the terms and conditions of the account, it did so in line with these too.

Pockit asked Mr M for information about how he was using his account – in particular where the money in his account originated. I can see from the emails between Pockit and Mr M that he said the money had come from gambling at casinos and bookmakers. But apart from the activity on his account he didn't have anything to support his explanation. It appears that Pockit weren't satisfied with Mr M's explanation. And decided that Mr M wasn't entitled to balance in his account (£60). And based on recent information we've received from them, returned the £60 to source. But Pockit hasn't provided this service with the information it relied on to take this action. It also hasn't provided any evidence to show what investigation it conducted to satisfy itself that Mr M wasn't entitled to the money in his account.

I accept that Mr M hasn't been able to provide any paperwork to support what he's said, such as a betting slip. But from looking at his account statements I can see that Mr M regularly made and received payments to and from different gambling businesses. And paid cash into his account. In the absence of any evidence to the contrary, I don't find Mr M's explanation implausible.

In summary, based on the information I've seen, I'm not satisfied that Pockit carried out a thorough enough review on Mr M's account to make the decision they did. Ultimately, Pockit should be satisfied that Mr M wasn't entitled to the money to return it back to the original source. And as they've not provided any evidence to support the actions it took, I can't say how Pockit satisfied themselves that Mr M wasn't entitled to the funds in his account. So, in this particular case, because of the lack of information, I can't be satisfied that Pockit has treated Mr M fairly. It therefore follows that Pockit should refund Mr M the balance of his account, which according to Mr M's account statements at the time was £60.

My final decision

My final decision is that, in order to resolve Mr M's complaint, Wirecard Card Solutions Limited should:

- Refund Mr M the amount of money in his account at the time the account was restricted - £60

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 2 November 2021.

Sharon Kerrison
Ombudsman