

The complaint

Mrs P complains that Barclays Bank UK PLC has not refunded her for payments from her account which she says she did not agree to.

What happened

Mrs P, who is represented in this complaint by her friend, Ms V, says that she was approached by a man on the street who said he could provide visas for her family members so that they could come to the UK and work for him. This man told Mrs P that she could pay for the visas in instalments, and Mrs P says that over the next couple of years he took over £20,000 from her account. Mrs P does not seem to have ever received the visas that were promised.

In March 2015 Mrs P received a payment into her account from the Department for Work and Pensions, she says that this money was then taken by the man who she had been paying for the visas without her consent. So 1 April 2015 she contacted Barclays to say that she needed a new card as funds had been taken out of her account by force. Barclays issued Mrs P with a new card. Over the following months, Mrs P says the scammer once again made further withdrawals from her account.

In December 2020 Mrs P contacted Barclays to raise a complaint about the payments that had been made from her account. Barclays ultimately decided it would not be refunding the disputed payments as it said it had not been given the information it needed to fully investigate what had happened, particularly in light of the significant amount of time that had passed since the disputed payments took place.

Mrs P was unhappy with Barclays response and so she referred her concerns to us.

One of our investigators looked at what had happened, but overall did not think that Barclays needed to do anything more. She explained that any of the payments in dispute from before October 2014 had been referred to us too late. She also felt that before Mrs P told Barclays that she was being in some way forced to make the payments, there had been no clear signs that anything was wrong so she didn't feel Barclays should have stepped in at that stage. The investigator acknowledged that Barclays could have done more when Mrs P contacted it in April 2015, but ultimately felt that even if Barclays had asked further questions when payments were made after that date then it likely would not have changed things.

I issued my provisional decision on this case on 6 September 2022, explaining why I intended to partially uphold Mrs P's complaint. Both Mrs P and Barclays have now confirmed that they are happy to accept the findings set out in that provisional decision. In my provisional decision I also explained why I agreed with our investigator that part of Mrs P's complaint had been referred too late and so was not something we could look at, as Mrs P hasn't disagreed with my findings on that issue I won't be commenting on it any further.

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.

In my provisional decision I explained the following:

"I also agree with our investigator that the payments between October 2014 and 1 April 2015 weren't, in the wider context of Mrs P's account, unusual or concerning enough to have meant Barclays should have challenged them or otherwise stopped them from being made. And, with the evidence we've seen, I also consider it's more likely than not that Mrs P agreed to those payments being made, or made them herself, even if that was under the mistaken impression that she was making payments for visas.

However, I think that from 1 April 2015 onwards Barclays could have done more to help Mrs P and to protect her account. I acknowledge that, when told that someone was using force to withdraw funds from Mrs P's account, Barclays issued her with a new debit card. But I don't think this goes anywhere near far enough given what Mrs P had told Barclays. Barclays' notes from April 2015 are limited but they do say that Mrs P had told it that someone was "assisting her with force" to withdraw funds. This should have caused serious concerns for Barclays, and I don't see how issuing her with a new debit card could have been considered a solution to this issue given that it seems likely that anyone who had forced her to hand over her card details or to make withdrawals could do the same thing again with a new card.

I don't know exactly what information Barclays asked of Mrs P at the time she reported the issue to Barclays, but I would have expected it to ask detailed questions about exactly what was happening, how long it had been going on, and how Mrs P was being forced to give her card to this man or to make withdrawals on his behalf. And I do think that in depth questioning from Barclays at that stage could have unravelled what was happening here, as given Mrs P had already told Barclays at least some of what had been going on – and it appears she had also tried to contact the police about this issue around the same time – I think it's likely she would have been willing to co-operate with the bank to try and stop what was happening to her.

I acknowledge that there have been some inconsistencies in Mrs P's story but given the language barrier and the time that has passed that doesn't make me think she's in any way acting in bad faith here. So with this in mind, and thinking about all I've said above, I think Barclays should have done more to help Mrs P when she contacted it in April 2015, and if it had done so then I consider it's likely that any further payments could have been stopped."

As both Mrs P and Barclays have said they are happy to accept my findings as set out above, I have nothing to add to what I have already said, and my findings remain unchanged.

Putting things right

I consider it fair and reasonable in all the circumstances of Mrs P's complaint for Barclays to put things right by:

- Refunding to Mrs P the three disputed payments made after 1 April 2015 – totalling £3,630
- add 8% simple interest* to each transaction from the date it was made to the date of settlement

*If Barclays considers that it's required by HMRC to deduct tax from this interest it should tell Mrs P how much it has taken off. Barclays should also give Mrs P a certificate showing how much tax it's taken off if she asks for one.

My final decision

I uphold this complaint. Barclays Bank UK PLC should put things right in the way I've set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs P to accept or reject my decision before 18 October 2022.

Sophie Mitchell
Ombudsman