

The complaint

Ms F complains that Santander UK Plc have withdrawn money from her account which she credited.

What happened

In September 2021, Ms F went to a Santander branch. She says she had £1000 worth of old £50 notes and wanted to exchange them for new ones; but the cashier told Ms F they didn't have any available. So, Ms F asked to pay the money into her account.

At the end of that day, the Santander cashier's till didn't balance and after further checks, it was down by £2,000. Santander carried out an internal investigation and found that the cashier had accidentally input to the till that Ms F's account had been credited by £1,000; and the CCTV showed that the cashier handed Ms F £1,000 in cash without logging a withdrawal. Therefore, Ms F's account balance would have been £2,000 in credit in error.

The branch tried to contact Ms F by telephone about the error but was unsuccessful. On 17 September 2021, Santander debited a trust account in Ms F's name of £2,000.

Unhappy with things, Ms F brought the complaint to our service. She said the money had been unfairly taken from her granddaughter's account.

Our investigator reviewed things and partially upheld Ms F's complaint. In summary, she said that she was satisfied based on the evidence, that she felt Santander made a mistake when handling Ms F's account and deposited money instead of withdrawing it – so she thought it was reasonable for Santander to recover the £2,000 from Ms F. However, she didn't think they were entitled to take the money from the trust account as this was money which belonged to Ms F's granddaughter.

Ms F remained unhappy, so the complaint has been passed to me to decide.

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.

This service provides informal dispute resolution. I won't be able to say *exactly* what happened and I'll be thinking about what is most likely. Firstly, Santander have confirmed they only hold CCTV footage for around six months. I do think it would have been helpful to view this, and I recognise Ms F believes this is a key part to the investigation. However, as it isn't available, I've had to make my decision based on the evidence which has been presented to me by both Ms F and Santander.

I've firstly thought carefully about Ms F's comments relating to her going into the branch after this transaction, and nobody raising it with her. I don't doubt this would have been confusing, but the crux of this complaint is whether the error happened or not. So I don't consider the way Santander informed Ms F is entirely relevant to the overall outcome here.

I don't doubt Ms F has brought this complaint in good faith but that isn't enough to allow me to uphold it. It's not impossible that a branch error was made – and Santander have provided technical evidence such as the journal roll, the cashier's electronic certification for the transaction, and written testimony when the CCTV was viewed. This is evidence I can't ignore, and while Ms F's version of events is important in itself, based on everything I have seen, I find it most likely that Santander made a mistake when crediting the account on the system which has resulted in her falsely benefiting from £2,000.

However, like the investigator, I don't agree Santander have been fair in taking this money from a trust account for Ms F's granddaughter. I think it would have been more appropriate to either debit Ms F's account directly; or arrange a repayment plan to allow Ms F to repay this money.

Putting things right

Santander should credit Ms F's granddaughter's account with the £2,000 they debited from it immediately. Ms F and Santander should then agree an affordable arrangement to pay, to allow Ms F to repay the £2,000 debt. If Ms F doesn't respond to Santander's request for the repayment agreement, I find it reasonable for Santander to debit the account, so it is in arrears and follow the appropriate collections action.

I appreciate Ms F will be disappointed by my decision overall, but as explained, based on the evidence I've received, I think it's more likely that she falsely benefited from £2,000 by an error made by the Santander cashier.

My final decision

For the reasons explained above, I partially uphold this complaint. To put things right, Santander UK Plc must credit Ms F's granddaughter's account with the £2,000 they debited. And Ms F must commit to an arrangement to pay Santander back the £2,000 she owes them from this error.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms F to accept or reject my decision before 23 October 2022.

Hayley West
Ombudsman