

## **The complaint**

Mr M complains that The Royal Bank of Scotland Plc (RBS) hasn't helped him with a fraud claim.

## **What happened**

Mr M says he made a number of payments to a gambling company based abroad. He says he believed he had won over £80,000 and so spent his money believing he would receive his winnings. Mr M says he didn't receive the winnings and asked RBS to provide his account statements so he could make a fraud or chargeback claim. He says RBS contacted him about the payments and so must have known he was the victim of fraud. Mr M would like his money back and says the company he made the payments to didn't have a required licence. He says RBS should have stopped the payments and says he now has all his account statements.

RBS says it told Mr M that it couldn't raise a chargeback as he authorised the payments to the company. It says it told him he wouldn't need his account statements as they couldn't assist him. RBS says it isn't responsible for the company in question not having a licence. It says Mr M did have access to online banking and his statements but says it has now closed his accounts. RBS says it no longer has records of blocking payments or the telephone calls as Mr M confirmed the payments were genuine.

Mr M brought his complaint to us and our investigator didn't uphold the complaint. The investigator didn't think Mr M had any chargeback rights and had authorised the payments. The investigator thought RBS had questioned and blocked some payments, but Mr M told it he had authorised them. The investigator didn't think Mr M's account statements would have helped him.

Mr M doesn't accept that view and in summary says RBS knew he was the victim of fraud and questions why there are no calls available from its fraud team. He questions if those calls have been deleted on purpose.

## **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.

Having done so I have come to the overall view that I don't uphold this complaint. I appreciate Mr M will be disappointed by my decision.

The chargeback rules are set by the card providers and not as in this case by RBS. A chargeback is not a legal right but a voluntary scheme that has no guarantee of success when a chargeback is made. And I make clear to Mr M that RBS has to follow the chargeback rules and is entitled to decide if one ought to be made.

I'm satisfied that Mr M made the payments to the company in question and that the payments were made for gambling purposes. I appreciate Mr M says the company in

question didn't have a required licence but that is not something I can fairly hold RBS responsible for. In those circumstances I'm satisfied that RBS was reasonably entitled to conclude that Mr M didn't have any chargeback rights and that there was no reasonable prospect of a successful outcome if one was raised. I can see that RBS fairly explained its position to Mr M.

I appreciate Mr M wanted copies of his account statements. I think it would have been easier for RBS to have simply sent him copies of the last years statements as it ought to have been clear to it that Mr M wanted details of payments to the gambling company. But I can see that Mr M now has the statements and I don't think they can help with any chargeback for the reasons I have explained. I appreciate this is not the main part of the complaint.

I also appreciate Mr M would have liked copies of the telephone calls between him and RBS about the payments. I don't think there is any evidence that RBS has deliberately deleted the calls and think it more likely that there was no reason to keep them when Mr M confirmed the payments as genuine and made by him. I don't think in any event those calls would have helped here as I think on balance RBS blocked payments in line with its fraud and security policy which Mr M later confirmed as genuine and made by him. This was of course Mr M's money and he was free to spend it as he saw fit. I can't fairly hold RBS responsible for the actions of the gambling business.

Overall, I appreciate Mr M will be disappointed by my decision, but I'm satisfied RBS hasn't made a mistake or acted unfairly. This now brings an end to what we in trying to resolve this dispute informally can do.

### **My final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 28 January 2023.

David Singh  
**Ombudsman**