

## **The complaint**

Mr C has complained Santander UK plc has closed his account and added a fraud-related marker to his record.

## **What happened**

In mid-2022 Mr C was asked to help out a friend (who I'll call Mr W) by another friend. Although this wasn't someone he knew, he agreed £320 could be paid into his account and he'd repay Mr W.

Mr C then had to go elsewhere to buy a dog.

Mr W complained to his bank that he'd been defrauded. His bank asked Santander to repay £320. After reviewing what had happened, Santander decided to tell Mr C they would be closing his account. They also lodged a fraud-related marker with CIFAS, the industry fraud body, that Mr C had misused his banking facility.

Mr C found it difficult to open another account and asked Santander to remove the marker. They wouldn't do so as they felt they'd taken appropriate steps to check the information they'd received. Mr C brought his complaint to the ombudsman service.

Our adjudicator felt that Mr C's story to our service had changed on a couple of occasions and thought he wasn't credible. He confirmed he wasn't going to ask Santander to remove the CIFAS marker.

Disappointed, Mr C has asked an ombudsman to consider his complaint.

## **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've reached the same outcome as our adjudicator. I'll explain why.

Our adjudicator wrote a detailed view on 8 March 2023. I feel no need to rerun a lot of what was said there.

It is clear what the requirements are prior to lodging a marker. Santander must be able to provide clear evidence that a financial crime was being committed and Mr C was part of this.

Santander has been able to provide us with notes of their discussions with both Mr C and Mr W's bank at the time. We've also been able to discuss what happened with Mr W's bank. They've got clear concerns about what was happening.

I've also looked at what Mr C has told us. His story has changed on a few occasions, and despite reassuring us that Mr W was telling his bank all that had happened was a mistake, I don't believe this ever happened.

I also find it too convenient that just after receiving £320 into his account, instead of taking steps to give this cash straight to Mr W (whose money all parties agree it was), Mr C travelled to another city to buy a dog. He then withdrew all the funds he'd been given by Mr W without, as far as the evidence suggests, trying to repay him.

I appreciate the difficulties a CIFAS marker may have caused Mr C in finding another bank account. However there is a requirement that he'd be able to get a basic bank account despite there being a marker against him. So I don't accept that he's not been able to get an account at all.

Overall I'm not going to ask Santander to do anything further.

### **My final decision**

For the reasons given, my final decision is not to uphold Mr C's complaint against Santander UK plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 14 July 2023.

Sandra Quinn  
**Ombudsman**