

## **The complaint**

Mr D wants Barclays Bank UK PLC to refund money he says he was meant to receive back from family members.

## **What happened**

In August 2021, Mr D received a benefits back payment. He later transferred this money to his sister and his daughter after asking them to keep it safe for him. Mr D told the bank he did this whilst he was unwell, but his relatives have not repaid all the money to him. He says that around £7,500 is still due to him and Barclays should pay it.

Barclays investigated the situation but didn't agree. In its final response letter, it explained that Mr D's bank statements show all the funds have since been paid back. But it paid Mr D £100 compensation to acknowledge that some of the phone calls they'd had with him were confusing and gave wrong information. It also paid him a further £25 as a gesture of goodwill to help Mr D when he said he had no money to buy food. Around the same time, Barclays gave Mr D notice that it intended to close his accounts.

Mr D contacted us for help. He said that the situation was not right and his sister and daughter had taken his money. He explained they had fallen out as a result.

Our Investigator looked into things but couldn't see that Mr D had lost out. She shared copies of Mr D's statements with him showing his sister and daughter had sent more money back to him than he'd originally transferred to them. She made a table to help him identify the incoming payments.

She looked carefully at the wider circumstances surrounding Barclays' decision to close Mr D's accounts. She accepted Barclays could make a commercial decision to close an account and that it had given Mr D notice in line with its terms and conditions. But she thought Barclays could have offered additional steps to support him before taking this action, such as giving him the opportunity to appoint a representative or doing more to follow the advice that Mr D's mental health support team had shared about how best to support him during interactions. She noted Mr D expressed remorse during some phone calls, and he told Barclays he needed to be assessed for his mental health problem. She noted that Mr D had opened another account and made new banking arrangements, but she thought Barclays should pay a further £150 compensation to acknowledge this inconvenience.

Barclays agreed. But Mr D didn't. He said he wanted all of his money back and not just a couple of hundred pounds. As no agreement could be reached, the complaint has been referred 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.

Having done so, I can't fairly require Barclays to pay more than it already has. I know this

isn't the news Mr D is hoping for, so I will explain why.

### ***Does Barclays have to refund money to Mr D?***

Mr D says that he is owed money by family members. He wants Barclays to take responsibility for repaying him. He's explained that he wasn't well when he sent the money to them and that they've since fallen out. From what Mr D has said, I can appreciate that he might not make the same choices with the money if this situation were to happen today. But this doesn't mean that Barclays must refund him.

Mr D does not dispute that he transferred the money, so it is authorised by him and the starting point under the Payment Services Regulations 2017 is that it is Mr D rather than Barclays that is responsible for it. I've thought about whether Barclays acted with the appropriate level of care and whether it ought reasonably to have recognised that Mr D was at risk of financial harm at the time he sent the money. But I am not persuaded that I could fairly say Barclays should have been concerned or that it should have prevented Mr D from sending the money to his family for safe keeping.

### ***Closing Mr D's accounts***

The terms and conditions of bank accounts allow banks such as Barclays to choose to end a banking relationship with a customer. Barclays made a business decision it was going to withdraw Mr D's account facilities and gave him over two months' notice that it was going to close his accounts.

But it's clear that Mr D is a vulnerable adult and there's no doubt that the bank was aware of Mr D's situation based on the interactions they'd had. Mr D's accounts were managed by a specialist support team within the bank that works directly with vulnerable customers. So I've thought about whether Barclays treated Mr D fairly when it decided to close his accounts.

From what I have seen, Mr D's interactions with the bank were frequent and challenging. There's no question that phone calls were a highly emotive and distressing experience for both Mr D and the bank's staff. It's clear that the calls had an impact on both parties both at the time they were talking and after they had ended. The bank's notes show it often made urgent referrals to other agencies for specialist support during these calls, including requiring immediate assistance from emergency services and social services.

Our Investigator highlighted that Mr D's social worker had shared information with Barclays about how to support Mr D and better manage conversations with him. It's possible, but not guaranteed, that the bank may have been able to build an amicable relationship with Mr D if it had acted on that information. Barclays accepted this and has already paid Mr D the further compensation our Investigator recommended to acknowledge the inconvenience of having to find a new bank.

It's clear that the closure was not a decision the bank reached lightly, and I accept that it will inevitably have caused Mr D inconvenience to make new banking arrangements. But I am mindful that Barclays did allow Mr D to use his accounts as normal in the lead up to the closure, so he had access to banking services whilst he made new arrangements. As a result, the impact of the closure was reduced.

Having considered everything, I am unable to fairly and reasonably recommend that Barclays should have to do anything further. I think the further compensation of £150 Barclays has already paid to Mr D is a fair way to resolve this complaint.

**My final decision**

For the reasons I've explained, I don't uphold this complaint because I think the steps Barclays Bank UK PLC have already taken are fair and reasonable in the individual circumstances of this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 3 October 2023.

Claire Marsh  
**Ombudsman**