

## **The complaint**

Mrs P complains that Bank of Scotland plc ("BOS") has held her liable for a £300 ATM cash withdrawal, when she says she only, in fact, received £10 from the ATM.

## **What happened**

The background to this complaint is well known to both parties, so I won't repeat everything here. In brief summary, Mrs P has explained that in June 2023 she went to an ATM to withdraw £300; but as the cash came out, she only managed to get £10, and £290 went back into the cash machine. Mrs P has said that the ATM then dispensed to the next customer the amount of cash they were expecting, so she knows this subsequent customer didn't receive the £290 in error. BOS provided Mrs P with a conditional refund of the £290 but then later re-debited the £290 when it found no discrepancy in the ATM funds.

Mrs P and BOS couldn't reach agreement about things, so Mrs P referred her complaint about BOS to us. As our Investigator couldn't resolve the matter informally, the case has been passed to me for a decision.

## **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 conclusions as our Investigator and for the same reasons. That is, I've decided to not uphold this complaint. I'll explain why.

Where I can't be certain about something like this, I need to make up my mind based on the balance of probabilities taking into account all the available information. And here, whilst I acknowledge what Mrs P has said about things, if the full £300 cash hadn't been successfully dispensed to Mrs P, I'd expect the technical evidence to show a discrepancy or issue with Mrs P's or the surrounding ATM transactions on the day, and/or a discrepancy with the ensuing balancing of the ATM. But here I'm satisfied that the technical evidence about the operation of the ATM shows there weren't any errors in the dispensing of the cash requested by Mrs P or the surrounding customers. The technical evidence shows the precise notes dispensed, which match the requested amounts; and the ATM appears to have subsequently balanced as expected.

I appreciate Mrs P has requested that CCTV footage be reviewed but I understand such footage is no longer available. And based on the available evidence, it seems to me to be most likely that the £300 cash was dispensed, for the reasons I've explained. I appreciate Mrs P will be disappointed, but for these reasons I'm unable to uphold this complaint.

## **My final decision**

For the reasons explained, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs P to accept or

reject my decision before 19 February 2024.

Neil Bridge  
**Ombudsman**