

## **The complaint**

Miss D complains that National Westminster Bank Plc (NatWest) won't refund disputed transaction that occurred on her account.

## **What happened**

In October 2023, Miss D complained to NatWest about a number of disputed transactions that had occurred on her account between October 2021 and May 2023. These total over £60,000 and included card payments - both on-line and Chip and PIN, telephone banking payments and on-line transfers. She said that she would like NatWest to refund them.

NatWest looked into the disputed transactions but said it thought Miss D had knowledge of these transactions and the balance of the account throughout this time and therefore would not be upholding the complaint.

Miss D remained unhappy, so brought the complaint to us. One of our investigators reviewed the complaint but after seeing the evidence provided by NatWest, agreed that Miss D must have been aware of the transactions.

Miss D didn't think that the investigator had reached the correct outcome and requested the complaint be passed to an ombudsman to review, therefore the complaint was passed to me.

## **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.

I understand how strongly Miss D feels about this complaint. She has raised a number of points and although I may not mention every point raised, I've considered everything she has said but limited my findings to the areas which impact the outcome of the case. No discourtesy is intended by this. It just reflects the informal nature of our service.

Having considered the matter, I broadly agree with the investigator's findings and think it's likely that Miss D did authorise the transactions. I say this for a number of reasons:

- The statements provided by NatWest show that the disputed transactions are interspersed with genuine ones. This is not the usual pattern of fraudulent activity on an account.
- Having reviewed the audit, I can see that Miss D's recognised device has been used to make the disputed transactions. It also shows that Miss D's usual IP addresses are recorded against the disputed transactions as well as genuine ones.
- Whoever made the online payments from Miss D's device would have to have known the passcodes to access both the phone and the mobile banking application. Some of the disputed transactions also required 3DS, which is a further security measure to

prevent fraud. As Miss D said she keeps her phone near her and hadn't disclosed passcodes to anyone or written them down, I can't see how the transactions could be made by anyone else.

- Whoever conducted the Chip and PIN transactions would have needed to have access to Miss D's card and know her PIN number. Miss D said that she normally keeps her card near her and hadn't disclosed her PIN to anyone else. I am therefore unclear as to how a third party could gain access, repeatedly, without her knowledge, for prolonged periods of time.
- Phone and online transfers were sent to Miss D's mother. I would expect Miss D's mother to notice large sums of money appear in her account if she wasn't expecting it. As they lived at the same address, there was potentially an opportunity to discuss and return it.
- NatWest has provided evidence that the telephone banking payment requests have received voice biometric analysis and compared the voice to when Miss D reported the disputed transactions. The analysis concluded that the voice present on the payment request and the complaint call belonged to the same individual. I have also listened to the calls and agree that the voice in the telephone payment requests sounds like Miss D.
- Miss D had four separate debit cards throughout the disputed period, each with a unique 16-digit primary account number and three-digit security code/CVV number. It would be unlikely that a fraudster would have been able to gain access to each of these cards. Especially when Miss D states that she kept her cards and card details safe.

On balance I am satisfied that Miss D must have been aware of the transactions on the account.

### **My final decision**

I do not uphold this complaint

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss D to accept or reject my decision before 26 March 2024.

Sarah Green  
**Ombudsman**