

## **The complaint**

Mr M has complained Nationwide Building Society won't refund disputed gambling transactions between April and May 2024.

## **What happened**

Mr M holds both current and savings accounts with Nationwide. In May he complained to Nationwide that there were numerous gambling transactions which he disputed, and he alleged weren't even to a gambling account in his name. These transactions were in two batches and amounted to £2,694.60 and £4,837.

Nationwide wouldn't refund him as they believed their evidence showed the token used to validate the transactions matched the token Mr M used for other non-disputed transactions taking place at the same time.

Mr M who has a disability and is vulnerable brought his complaint to our service.

Despite delays receiving evidence from Nationwide, our investigator decided this wasn't sufficient to show Mr M had authorised the gambling transactions. He asked Nationwide to refund Mr M, along with 8% simple interest and £200 compensation.

Nationwide disputed this outcome and have asked an ombudsman to consider Mr M's complaint.

I completed a provisional decision on 15 October 2024. I believed there was enough evidence to show Mr M had authorised these transactions. I wouldn't be asking Nationwide to refund him.

Nationwide accepted this outcome. No response was received from Mr M.

I now have all I need to complete my final 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 outcome as I did in my provisional decision. I'll explain why.

Where there is a dispute about what happened, I have based my decision on the balance of probabilities. In other words, on what I consider is most likely to have happened in the light of the evidence.

When considering what is fair and reasonable, I'm required to take into account: relevant law and regulations; regulators' rules, guidance and standards; codes of practice; and, where appropriate, what I consider to have been good industry practice at the relevant time.

The regulations which are relevant to Mr M's complaint are the Payment Services Regulations 2017 (PSRs). These primarily require banks and financial institutions to refund customers if they didn't make or authorise payments themselves.

To help me come to a decision, I've reviewed the evidence Nationwide provided as well as what Mr M has told us.

I believe these disputed transactions which took place in two lots between 21 April and 7 May and then between 8 to 12 May were carried out with Mr M's authorisation. I say this because:

- During the period 29 April to 13 May, Mr M's Nationwide bank account received credits totalling £2,053 from the same gambling accounts (held by companies I'll call S and L). These credits have not been disputed.
- Evidence provided by Nationwide shows that the token used to validate transactions to L, which Mr M disputes, matches the token Mr M has used to buy takeaway and travel tickets around the same time. I find this convincing.
- There is also evidence of mobile banking logins using biometrics (either face recognition or fingerprint) at the same time disputed transactions were taking place, on more than one occasion. This suggests Mr M using his mobile and being aware of these transactions.
- In discussions with Nationwide Mr M has variously suggested these transactions were carried out by his young daughter or son. In his discussions with our service, Mr M has told us of a third party (who I'll call Ms P). He's said the gambling account was in her name and was able to provide an email and other contact details for her. I did consider whether Ms P had befriended Mr M and used his accounts without his authorisation. However, large gambling credits being made to his own Nationwide account belie this happening. I can't say why there is an account set up in someone else's name that Mr M uses but evidence from one of the gambling companies confirms this is the case.
- On the other hand, L has confirmed Mr M does hold an account with them.
- Evidence shows Mr M regularly logs onto both his online and mobile banking. He would have known about the volume of gambling transactions as soon as these started, so if these were actually unknown by him, I'd have expected him to raise a dispute much earlier than he did.
- On 16 May Mr M agreed to Nationwide setting up a block on gambling transactions, which he has since removed.

I know Mr M will find this outcome distressing but I'm unable to ask Nationwide to refund him as I believe there's enough evidence to show he made these transactions himself.

### **My final decision**

For the reasons given, my final decision is not to uphold Mr M's complaint against Nationwide Building Society.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 2 December 2024.

Sandra Quinn  
**Ombudsman**