

The complaint

Mrs B has complained that Home Retail Group Card Services Limited (trading as Argos Card) are holding her liable for payments she says she didn't make or otherwise authorise.

What happened

In late August and early September 2024, two orders were paid for on Mrs B's Argos card, totalling over £1,200. They were picked up in store using her physical card.

Shortly after, Mrs B called Argos and asked for her balance. Argos told it to her, and she said she'll go ahead and make a repayment.

In late November 2023, Mrs B reported the orders as fraudulent. But Argos thought they were most likely authorised, so they held her liable for them.

Our Investigator looked into things independently and didn't uphold the complaint. Mrs B's representative didn't agree, so the complaint's been passed 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.

Broadly speaking, Argos can hold Mrs B liable for the transactions in dispute if the evidence suggests that she authorised them.

I find that the evidence does suggest that she authorised them, for the following reasons:

- The payments were made using Mrs B's correct details.
- The orders were collected in-store using Mrs B's physical card. The card was not reported as lost, and Mrs B confirmed she didn't give her card to anyone and it had not left her possession. It doesn't seem likely or plausible that someone would be able to take the card, use it to collect the items, and then give it back to Mrs B, twice, all without her noticing.
- Mrs B was sent email confirmations of the orders, to the same email address she'd been using since at least 2020. But she didn't tell Argos anything was wrong until nearly three months later. It's unlikely that Mrs B would wait so long to report the disputed payments if they were made without her consent.
- The orders were made using the same contact details Mrs B had used for previous genuine orders.

- Shortly after the orders, Mrs B spoke to Argos and asked for her balance. She didn't dispute the balance or seem alarmed. And while she didn't go through the individual transactions at the time, I think she would've noticed if her balance was over £1,200 larger than it should've been. Not least since – as I noted above – she'd also received emails about the disputed transactions.
- The purchases were not particularly out of character for this account and were picked up from a store local to Mrs B.
- While this is a more minor point, I might have expected a thief to try to spend as much money as possible, as quickly as possible, before they're blocked. But these two payments were relatively spread out, and a substantial available balance was left untouched.
- I've not found any evidence which shows or substantiates that the payments were unauthorised, nor any evidence which rules out the possibility that Mrs B may have made them or given someone else permission to make them.

In view of the evidence, the most likely and plausible possibility I've found is that Mrs B either made the disputed payments or gave someone else permission to make them.

As such, I find that it's fair for Argos to hold her liable for them. I do appreciate that this is not the outcome Mrs B was hoping for. But given the evidence at hand, and the balance of probabilities, I'm unable to reasonably reach any other conclusion.

My final decision

For the reasons I've explained, I don't uphold Mrs B's complaint.

This final decision marks the end of our service's consideration of the case.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 15 January 2025.

Adam Charles
Ombudsman