

The complaint

The estate of Mr M complains Barclays Bank UK PLC ("Barclays") should refund it for unauthorised transactions from Mr M's account.

This complaint has been brought by the late Mr M's sister on behalf of the estate of Mr M. To keep things simple, and in the hope both parties don't mind, I will simply refer to the late Mr M as "Mr M" and his sister as "Mrs M".

What happened

The facts of this case are well known to both parties, so I won't repeat them in detail here.

In short, Mrs M says there are transactions on Mr M's account from February 2021 to October 2022 which she says were unauthorised. These are a mix of cash withdrawals and bank transfers. Mrs M says the people Mr M was staying with were coercing him into giving them money and they had possession of his card and PIN. Mrs M also says he was too unwell to go to out and about towards the end of his life, but there is evidence of an ATM withdrawal on the day before he passed. Mrs M says Barclays should refund all of these as unauthorised transactions.

Barclays says the cash withdrawals required the genuine card and PIN, and the mobile bank transfers required Mr M's phone and online banking credentials. And it thinks Mr M must have made these himself or given someone else the authority to do so on his behalf. So, it says it won't refund them.

Our investigator considered the complaint and decided not to uphold it. Mrs M was not happy with this outcome, so the complaint has been passed to me for a 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.

Generally speaking, Barclays is required to refund any unauthorised payments made from Mr M's account. Those rules are set out in the Payment Service Regulations 2017. Mrs M has said he didn't carry out the transactions in dispute. So, I have to give my view on whether I think Mr M did authorise the transactions himself or gave someone else the authority to do so on his behalf.

The evidence provided by Barclays shows the bank transfers were all made via mobile banking, which would've required Mr M's online banking app credentials to access. And we know the ATM and branch withdrawals would've required Mr M's genuine card and PIN. So, whoever carried out these transactions would've needed the card, PIN and his online banking details.

Mrs M says she thinks the people responsible had possession of Mr M's card and PIN and was using them without his knowledge. But I don't think that's likely, and I'll explain why. It

seems Mr M was using this account as a current account to make regular ATM withdrawals prior to the disputed transactions. I recognise that the number of withdrawals significantly increased over the period complained of, but that doesn't necessarily mean they weren't made by Mr M. As Mr M had regularly been using this account, I think he would've known if his card and PIN had gone missing and someone else started using his account without his consent.

Barclays have provided evidence to show a new card was issued to Mr M in October 2022 – which is in the middle of the ATM withdrawals in dispute. And I think it's unlikely they would've also been able to take his new debit card without him knowing. There is no evidence that Mr M's PIN was changed in this period or a new one issued, so there is no explanation as to how anyone else would've obtained his PIN, unless he had told them. I have considered what Mrs M says about her brother's limited mobility towards the end of his life. But his bank statements show card payments in shops and cafes as late as October 2022 which are not in dispute. And even if Mr M wasn't able to leave the house around this time, the evidence suggests he either used the card himself or gave someone else the authority to do so on his behalf.

There were several transfers to the beneficiary who Mrs M says was taking advantage of her brother. But I've also seen this same beneficiary had been transferring money into Mr M's account as well. So, as also identified by the investigator, I think it's likely Mr M and the beneficiary were friends. And the movement of money between the two of them suggests a mutual financial relationship. There is no explanation as to what this money paid between them could've been for, however as it seems they were spending a lot of time together it's likely they were spending money together on basic needs or social entertainment.

I appreciate what Mrs M has said about the fact that she believes her brother was being taken advantage of. And I've also considered the evidence she has supplied about his vulnerabilities and the abuse he'd been subject to in the past. But she also tells us that she had raised her concerns with her brother before he had passed, and he continued to spend time with these friends. He also never raised any concerns with Barclays or disputed any transactions on his account.

I know this is not the outcome Mrs M was hoping for, but I am not persuaded these transactions were unauthorised, so I am not upholding this complaint. While I am sorry to learn of the difficulties and the vulnerabilities Mr M faced in his life the evidence here suggests he had knowledge of the transactions in dispute and either carried them out himself, or gave someone else permission to do so on his behalf.

My final decision

I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr M to accept or reject my decision before 21 March 2025.

Sienna Mahboobani
Ombudsman