

The complaint

Mr F says The Royal Bank of Scotland PLC (“RBS”) refuses to refund him for transactions on his account he doesn’t think were authorised. He is also unhappy that RBS has not supplied the information he requested several times.

What happened

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

In summary, Mr F says he thinks there were unauthorised transactions on two accounts he held jointly with his ex-wife. He asked RBS to investigate these, but he was not happy with the response received.

In addition, Mr F says he had completed several SAR requests and requested information about who was responsible for the transactions, but the requested information was never received.

RBS says as the account was held by joint parties, Mr F and his ex-wife, during the time of the disputed transactions this is a civil matter to be resolved between the two account holders. It says it has provided all the available evidence in response to Mr F’s SAR requests. However, it has identified that it misunderstood Mr F’s initial request and missed some of his other information requests. So, it apologised and offered Mr F £250 in compensation.

Our investigator considered everything and felt that Mr F’s complaint about the disputed transactions was not one we should consider without the consent of the other account holder. So, he didn’t investigate the disputed transactions part of the complaint but he considered the compensation award and felt that offer was fair. Mr F wasn’t happy with this outcome.

I considered all the evidence supplied, and the additional evidence provided by Mr F following the initial assessment. I reached a provisional decision on this matter, setting out different reasons as to why I felt the complaint should not be upheld. My findings were as follows:

“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 think it would be fair to consider this complaint without the consent of the other party; however, I still don’t think I can uphold the complaint. And I will explain why.

The investigator thought it would be appropriate to dismiss Mr F’s complaint regarding the disputed transactions. This means that, while we could investigate the complaint, he thought there’s a good reason not to – which is that we didn’t have the other party’s consent to do so. This is usually the stance we would take with joint account holder complaints. However, I have considered Mr F’s situation and the strained relationship he now has with the joint account holder. I have also considered the evidence provided from RBS and I think it would

be fair and appropriate to provide Mr F with an answer to his complaint in the circumstances.

Mr F initially said he thinks his ex-wife is responsible for transactions on his account which she made without his authority. He then explained that he had asked his ex-wife about these transactions, and she said she didn't make them. So, he asked RSB to investigate.

Mr F disputes transactions dating back to January 2012, which was a long time ago. And one of the accounts in question was closed in January 2022. So, understandably, there isn't a lot of evidence now available on these transactions. RBS has provided the bank statements for both accounts in question, and I can see there were card transactions, online money transfers as well as ATM withdrawals. This means whoever had carried out these disputed transactions had access to a debit card linked to the account, the correct PIN for the card and the online banking security information. So, a fraudster would've needed access to all this information to complete these disputed transactions. However, there is no evidence that either party to the account told RBS that any of these details had been compromised or that their debit cards had been lost or stolen.

I've also seen that the transactions in dispute continued for over five years. I appreciate that Mr F says he was living and working abroad, and these weren't made by him. But the accounts were regularly in use and there is no evidence Mr F's ex-wife ever complained about transactions she didn't recognise. So therefore, there is no persuasive evidence that these transactions were carried out by a third party not included on the account.

RBS has also provided a breakdown of the money transfers sent from May 2020 to November 2021 and these were all completed online via the app from the joint party holder's login. And as there is no evidence Mr F's ex-wife didn't authorise these transactions via her online banking, I think it's more likely these transactions were authorised by Mr F's ex-wife.

Although there is very limited evidence from the time the disputed transactions were carried out, I have not been persuaded that the transactions were unauthorised. I say this because there is nothing to support what Mr F has said, and without Mr F's ex-wife evidence that she didn't make these transactions, I think they were likely carried out by the joint account holder's or by someone else with their consent.

I have also considered what Mr F has said about RBS failing to provide the information he requested several times. I have seen evidence that Mr F made several SAR requests to RBS to find out who made the transactions he didn't recognise, but RBS did not provide that information. Having reviewed all the evidence I can see that RBS don't have the requested information available anymore, so this isn't something that could've been provided sooner anyway. RBS has given Mr F all the information it still holds on him personally. Which is what we would expect it to do for a SAR request. However, I do agree it misunderstood his initial SAR request, and some requests were missed. RBS already offered to pay compensation for this, and I think that's fair.

I think the compensation already offered is fair because I don't think receiving the information earlier would've made a difference to Mr F's situation. Mr F says he needed evidence to show his ex-wife was responsible for these transactions to help him in his divorce settlement hearing. Mr F specifically wanted to know which debit card was used to make the card payments and which accounts money transfers were sent to. However, there is no evidence available to show which card made the transactions and how they were authorised. RBS are also unable to share the account details the money was transferred to as this was made online by the other account holder – and RBS has told him this from the beginning.

I've also thought about what Mr F has said about the way he's been treated by RBS as a

domestic abuse victim. However, RBS submit that it wasn't aware of this situation, and it has no notes on its system about Mr F's previous situation. I don't know what Mr F told RBS and when, but I've not seen any evidence that RBS were aware of this during the time of the Mr F was trying to remove his ex-wife from the accounts. And without evidence showing RBS was aware, I can't say it should have done anything more.

I appreciate this outcome will come as a disappointment to Mr F. The past few years must have been hard for Mr F, and for that he has my sympathy. But for the reasons outlined above I am not persuaded the transactions were unauthorised and I think the offer already made by RBS is fair."

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 looked at everything again, and in the absence of a response from either party, I am still not upholding this complaint. So, RBS don't have to do anything further.

My final decision

For all the reasons set out in my provisional decision of 15 October 2024 and as outlined above, I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 10 December 2024.

Sienna Mahboobani
Ombudsman