

The complaint

Miss M says National Westminster Bank PLC (“NatWest”) should’ve done more to protect her account from large payments which were made under duress.

What happened

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

In short, Miss M says she was in a coercive relationship in 2019 and she was forced to make payments to her partner at the time, which says she didn’t consent to. Miss M says NatWest should’ve done more to protect her account; especially as large payments were being made to the same recipient. And as it didn’t, it should refund her for the transactions in dispute made between June and November 2019.

NatWest says there was no evidence at the time that Miss M was in such a difficult situation. It did flag one of the earlier payments to this recipient in June 2019, and its records show this was confirmed as genuine by Miss M. So further payments were allowed to be processed, as there was no indication of fraud. However, in recognition of the difficult circumstances Miss M has suffered, it has offered to refund her £13,421 – which it says is 50% of the disputed payments.

Our investigator considered this complaint and felt this is not one we would ordinarily uphold, so he concluded that NatWest’s offer was fair in the circumstances. Miss M didn’t agree so the complaint has been passed to me to consider.

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 would like to state from the outset that I’m sorry to have learnt of the difficult situation Miss M was in. It sounds like an extremely traumatic time, and I’m glad to hear she is now safe.

Before I set out my thoughts, I want to acknowledge that I have summarised this complaint briefly and, in less detail, than has been provided. I’ve focused on what I think is the heart of the matter. Please rest assured that while I may not comment on every point raised, I have considered it. I’m satisfied that I don’t need to comment on every individual point or argument to be able to reach what I think is the right outcome. Our rules allow me to do this and reflect the fact that we are an informal service and a free alternative for consumers to the courts.

Generally speaking, NatWest is required to refund any unauthorised payments made from Miss M’s account. Those rules are set out in the Payment Service Regulations 2017. I know Miss M has also referred to the updated Regulations of 2024, however these were not in force at the time of the transactions in dispute, and do not apply retrospectively to payments made before this date.

Miss M says she did carry out these transactions, but she did so under duress, so she says she didn't consent to them. However, giving consent, according to the PSRs, doesn't consider the consumer's awareness or mental state at the time. And being forced under duress is also not considered. NatWest says the transfers were all made online, using Miss M's online banking, so having logged in and completed the payment is enough to show Miss M consented to them according to the regulations that apply.

Miss M also argues NatWest should've done more to protect her account. She says there were large payments being made to her partner at the time and NatWest did nothing to check that these payments were genuine. NatWest has told us that it did block one payment for £2,600 which I understand to have been the third payment made to this beneficiary in June 2019. NatWest says, the payment was then processed, after it confirmed with her that it was a genuine payment. NatWest hasn't been able to provide a recording of this call, however, it has provided evidence of its notes from the time that suggests Miss M confirmed the payment as genuine.

I've thought about whether NatWest could've done more to protect Miss M. While I appreciate Miss M would've benefited from as much support as possible in the circumstances, there is no evidence that NatWest was aware of what was going on. So, it wouldn't be fair for me to say it should've adapted its normal process in any way to help her when it didn't have any knowledge of the situation. I've also thought about what she said about fearing for her life at the time, and the reasons why she took some time to bring her complaint to NatWest. So, I think even if NatWest had blocked any further payments, she would've confirmed they were genuine (like she did when it first reached out).

I know this is not the outcome Miss M was hoping for, however, the regulations are clear on authorisation and consent. So, I am not able to make a finding these transactions were unauthorised. Had NatWest had knowledge of Miss M's situation perhaps it would be fair to have expected it to do more. But since it didn't know, I don't think it would be fair to say it should have done more. And as Miss M confirmed one of the earlier payments as genuine, I think even if NatWest had blocked a further payment or payments and reached out again, at the time Miss M would've confirmed it as genuine.

However, NatWest has made an offer to refund Miss M 50% of the disputed transactions. And in the circumstances, I think that offer is fair.

My final decision

Your text here

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 10 March 2025.

Sienna Mahboobani
Ombudsman