

The complaint

Miss D has complained Santander UK plc won't refund her for a cash machine withdrawal that wasn't successfully completed.

What happened

On 5 May 2024 Miss D went to a cash machine at a local supermarket. She initially intended to withdraw £300 but this amount exceeded her daily limit. She attempted to withdraw £250 but after the machine whirring a bit, her card was returned with no money. Miss D complained to Santander.

Santander immediately refunded £250. However, after raising their query using the cash machine dispute mechanism with the cash machine owner, they felt there was evidence to show all £250 was dispensed.

Miss D brought her complaint to the ombudsman service.

Our investigator noted the evidence and asked for further evidence from Santander. He believed what we had was insufficient to show no error occurred at the cash machine. Based on Miss D's consistent testimony, he asked Santander to refund her.

Santander disagreed with this outcome. They felt they'd provided the evidence required by the dispute scheme.

Miss D's complaint has been referred to an ombudsman.

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 our investigator. 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.

It's worth stating that I can choose which weight to place on the different types of evidence I review, including technical evidence, provided by financial institutions along with complainants' persuasive testimony.

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.

To help me come to a decision, I've reviewed the evidence Santander provided as well as what Miss D has told us.

I don't believe Miss D received £250 as requested from the cash machine. I say this because:

- Miss D's testimony has been consistent throughout that she didn't receive the money. I've been given no reason to doubt what she's told us.
- It has been suggested that Miss D could have walked away before the cash was dispensed and I have considered this. But the cash machine journal suggests little time gap between the request for the notes and their dispense so I'm not convinced by this suggestion.
- I've reviewed the evidence Santander has provided to our service from the cash machine owner. This confirms that as the machine was balanced the following day, there was a £20 surplus.
- There's no information about what may have been included within the purge bin. I appreciate what Santander has told us that they're not the cash machine owner so are hampered in the information they can provide. They're required to provide us with the evidence we require when reviewing a complaint. And other financial institutions provide this evidence when requested despite not being the cash machine owner.
- Santander has provided no evidence why Miss D must be mistaken or lying, nor have they confirmed Miss D has any history of previous fraud claims.

Based on the evidence, I don't believe there's enough to show the withdrawal was completed.

Putting things right

Santander will need to refund £250 to Miss D along with 8% simple interest from 5 May 2024.

My final decision

For the reasons given, my final decision is to instruct Santander UK plc to:

- Refund £250 to Miss D; and
- Add 8% simple interest from 5 May 2024 to the date of settlement.

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

Sandra Quinn
Ombudsman