

The complaint

Mr Q has complained Metro Bank PLC won't refund him for a transaction he didn't make.

What happened

In August 2024, Mr Q noticed a transaction which wasn't his. He called Metro and disputed this transaction. He was initially told this transaction was authenticated by use of the genuine card and his PIN.

Metro wouldn't refund Mr Q as they believed he'd made this transaction. They confirmed this transaction was actually made using contactless technology and they could point to an earlier contactless transaction Mr Q had made which he'd not disputed.

Unhappy with this response and concerned that he couldn't trust Metro's response, Mr Q brought his complaint to the ombudsman service.

Our investigator believed the audit evidence was clear and confirmed the transaction had been authorised by Mr Q.

Mr Q continued to dispute this outcome and submitted a data protection request to Metro. After receiving this data, he remained concerned that it didn't answer all the questions he had about this transaction. He's asked an ombudsman to consider his complaint.

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.

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 Metro provided, which has included information about how the different payments on Mr Q's account were carried out. I also note Mr Q's strength of feeling that he didn't make this transaction.

The regulations which are relevant to Mr Q's complaint are the Payment Services Regulations 2017 (PSRs). These primarily require banks and financial institutions to refund customers if they didn't make or authorise payments themselves.

I believe this transaction was authorised by Mr Q. I say this because although initially Metro told Mr Q this was a chip and PIN transaction, I can see from the evidence submitted to our service that this wasn't the case. This transaction to a local supermarket was carried out at 14:06 on 7 August 2024 and was made using Mr Q's genuine card and contactless

technology. At 13:29 that day Mr Q had made another contactless transaction for £8.15 within the same geographical location. That transaction is not in dispute. I can't see how an unknown third party could have accessed Mr Q's card, and then returned it to Mr Q, who said at the time he disputed this transaction that the card remained in his possession.

I can see how frustrating it must be for Mr Q to be told the transaction was carried out using one type of technology and then to be told that was incorrect. So, I understand his scepticism. I know Metro has paid Mr Q £40 for this error which I believe is fair and reasonable.

I know Mr Q has questioned whether his card may have been cloned. The evidence I've seen doesn't indicate this could be the case here. And that's apart from the case that if any copy had been successfully made of Mr Q's card, I can't really imagine that a fraudster would only be using this for a £66.18 payment in a local supermarket.

I appreciate how Mr Q feels about this transaction and is adamant he didn't make it. Unfortunately, all the evidence points the other way. I am satisfied he did authorise this transaction and therefore I'm not in a position to ask Metro to do anything further.

My final decision

For the reasons given, my final decision is not to uphold Mr Q's complaint against Metro Bank PLC.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr Q to accept or reject my decision before 26 December 2025.

Sandra Quinn
Ombudsman