

## The complaint

Mrs S complains that Santander UK Plc (Santander) didn't co-operate with the police about fraudulent transactions on her bank account, which meant an ongoing police investigation couldn't continue.

I issued a provisional decision on this complaint, where I said the following:

*'The facts of this complaint are well known to both parties, so I won't repeat them again here. Instead, I've focused on the outcome I've reached and why.'*

### ***What I've provisionally 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.*

*When the investigator considered this case, they said it would be better decided by the courts and we wouldn't consider it. I've thought long and hard about this, but I've decided I will consider the merits of the case.*

- *Mrs S raised concerns about fraudulent activity on her Santander bank account with the local police. She was aware of the person who made the 'fraudulent' transactions, and the police were investigating the matter further.*

*Santander has provided some evidence which shows the police contacted them on two occasions – December 2021 and May 2022. Santander hasn't been able to provide any evidence to show they continued to correspond or communicate with the police after this date. They paid £30 compensation to Mrs S to apologise for the fact they couldn't say for definite that they responded or not.*

*Mrs S says that the lack of co-operation by Santander meant the police dropped their investigation, because they didn't have enough evidence to pursue it. Mrs S hasn't provided anything to show this was the reason the investigation stopped.*

- *Based on the evidence I've seen; it doesn't look like Santander responded to the police after May 2022. But I cannot be certain this is the only reason the police were no longer able to continue with their investigation, or the reason Mrs S couldn't take the individual to court. Because of this, it's very difficult for me to say Santander has made an error.*

*I don't doubt this whole situation has caused Mrs S a lot of worry and stress – but this complaint is solely about Santander communicating with the police. Santander has recognised it is unable to evidence that it went back to the police, and it's paid £30 to Mrs S to apologise for this. I think this is fair in the circumstances.'*

Both parties responded to my provisional decision. Mrs S provided detailed accounts of what happened during the time the 'fraudulent' transactions were taking place. She also provided a copy of the police report which she says shows Santander did not co-operate fully with the

police, which meant the investigation was closed. She said the knock-on effect of this has meant she's been unable to get back the money back that she has lost.

I provided a copy of the police report to Santander and asked for their comments. Santander reviewed the report and said it followed the same timeline that they'd previously told us. They were unable to confirm that they'd responded to the Police in May 2022, and this is supported by the police report. However, they also said that they didn't think their lack of co-operation was the sole reason that the police did not prosecute. For this reason, they agreed with my provisional decision.

Because both parties still disagree, I have gone on to make my 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.

Having done so, my final decision remains the same as my provisional decision. I've explained why below.

### **The police report**

The police report gives a timeline of events, interviews, and requests for information from December 2020, until June 2022. Throughout the report it is evident that Santander has not always responded to the police requests for information – something I was already aware of when I issued my provisional decision.

Towards the end of the report, there is an entry which says '*...basically this is one word against another...*'

But there is also an entry which says, '*There is a lack of obvious progress with this report, which may well be out of our hands and awaiting Santander to respond.*'

Although the police report suggests that it could not move forward without some of the information from Santander, I still don't think I can safely say the reason the investigation did not continue was solely down to Santander. There are several factors that would be considered when deciding if the police can prosecute an individual. There are also several different ways the police could've obtained information from Santander.

Santander was under no obligation to provide information to the Police; the information was requested to support an investigation – it wasn't a summon or a statutory request for information. Santander has recognised that it didn't respond and has paid £30 to Mrs S to apologise for this.

I don't doubt the enormous impact this whole situation has had on Mrs S. I note in her submissions she has explained that she's concerned all avenues of obtaining her money back have been exhausted. I cannot comment on other complaints that this service has considered, but I do need to explain that this complaint has not considered how Santander handled the investigation into the fraudulent transactions or their findings, just how they co-operated with the police. These have been dealt with as two separate issues.

I'm satisfied that Santander has recognised it didn't respond to the police and has paid £30 compensation to Mrs S. Given that Santander was not obliged to respond to the police ( it was not a statutory request for information) and I cannot be sure that this is the only reason the investigation and prosecution did not continue - I think this is fair and reasonable in the

circumstances.

**My final decision**

For the reasons I've explained above, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S to accept or reject my decision before 28 January 2025.

Rachel Killian  
**Ombudsman**