

The complaint

Miss O complained because Barclays Bank UK PLC refused to refund her for cash machine withdrawals totalling £850 which she said she hadn't authorised.

What happened

On 21 August 2024, Miss O contacted Barclays. She said she hadn't made five cash machine withdrawals which had debited her account. These had taken place on 9 August (£250); 14 August (one £250 and one £50 withdrawal); and 21 August (one £250 and one £50 withdrawal). The total disputed was therefore £850.

Barclays refused to refund Miss O, and she complained.

Barclays sent its final response letter on 23 September, in which it said it couldn't evidence any third-party activity. Barclays pointed out that between 9 and 21 August, there had been logins to Miss O's Barclays Mobile Banking (BMB) using her passcode on her genuine device. Also, before each cash withdrawal, Miss O's genuine device had been used to view her PIN.

Barclays said that as Miss O had been logging in regularly, she'd have seen the reduced account balance – but she hadn't disputed the transactions until 21 August.

Miss O had also told Barclays that she hadn't received debit cards which Barclays had sent her. Barclays said its system showed that the cards had been sent, and it wasn't liable if the post had been lost or delayed. It issued another card and PIN.

Barclays also said that Miss O had mentioned that her carer had access to her phone and BMB, so potentially it was they who had committed the fraudulent activity as Miss O required help with her finances. Barclays said it was sorry to hear this, but the held liable decision would remain. It added that Miss O could add an authorised user to her account who could be a trusted third party to help her manage her account. It also confirmed it had markers applied to Miss O's account so it could adapt the way it supported her, and said that if she wanted to make Barclays aware of a vulnerability for which she'd like extra help of consideration, she could let Barclays know.

Miss O wasn't satisfied and contacted this service. She said she'd asked Barclays three or four times for a new card and PIN as she wasn't receiving these. She said she did get her carer to make payments for her, but it couldn't have been the carer because she'd had the carer for years, and if it had been she'd have contacted the police. Miss O told our investigator that she hadn't logged into the app, or seen the cash withdrawals because she'd have phoned Barclays. She said she hadn't been expecting withdrawals as she'd asked repeatedly for a new card and hadn't received it. She said it was Barclays' error and it had sent the card and PIN to a different address.

Our investigator didn't uphold Miss O's complaint. She said that the evidence showed that Miss O's device had been used to look up the PIN on online banking, within minutes of the disputed withdrawals on all three days. Miss O had said no-one else had access to her

device at that time, or knew her passcode. So it wasn't possible for it to have been someone else who used her device to find out the PIN. And there was no plausible reason why Miss O would look up her PIN for the card if she didn't have the card in her possession.

Miss O didn't agree. She said she wanted proof the card had been sent to her address. So our investigator sent her a copy of this record on Barclays' systems, which showed the address which is on Miss O's account. Miss O replied that it couldn't have been delivered because she didn't receive it. She said there another home nearby had the same number as hers.

Miss O also said that Barclays had decided to close her account, which she said was unfair because she hadn't received this card.

The investigator replied that even though there was a similar house number nearby, letters are generally delivered using first line of the address, and also the postcode. She said that as Miss O could see, Barclays' document clearly showed the card had been issued to Miss O's address. She also pointed out that whether or not the card had been sent wasn't the only reason why she hadn't upheld Miss O's case. Miss O hadn't provided any clarity on why she'd viewed the PIN for the card minutes before the disputed transactions took place.

The investigator also explained that if Miss O wanted to dispute Barclays' closure of her account, she'd need to complain to Barclays first.

Miss O wasn't satisfied. She said she wanted proof the card had been delivered to her. She sent a video of a car driving which ended with a photo of a front door with a number on it.

Miss O asked for an ombudsman's 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.

What the Regulations say

There are regulations which govern disputed transactions. The relevant regulations here are the Payment Services Regulations 2017. In general terms, the bank is liable if the customer didn't authorise the payments, and the customer is liable if they did authorise them.

The regulations also say that account holders can still be liable for unauthorised payments under certain circumstances – for example if they've failed to keep their details secure to such an extent that it can be termed "*gross negligence*."

So I've considered whether Miss O, or a third party fraudster unknown to her, is more likely to have carried out the disputed cash machine withdrawals.

Who is most likely to have made the disputed cash withdrawals?

I've looked at the technical computer evidence from Barclays. This shows frequent logins for Miss O's account, using her registered phone and her correct BMB passcode. Miss O didn't report having lost her phone. A BMB passcode is five digits long, and there are 100,000 possible combinations of a five digit number, so it wouldn't be possible to guess. So I find that it's very likely that it was Miss O who carried out the logins. The only other alternative is that she gave her phone and passcode to someone else, in which case it would count as Miss O having authorised the activity.

The computer records show that the logins took place frequently. That included logins immediately before all the disputed transactions to look up the PIN. Miss O hasn't given us a reason why she logged in to look up the PIN, if she wasn't the person who made the withdrawals just minutes later. It also wouldn't make sense for her to do so if she hadn't ever received the debit card.

There was frequent activity on Miss O's account. But she didn't raise a dispute about any of the cash withdrawals until 21 August – when the first ones had taken place on 9 and 14 August. When she logged in frequently, she'd have seen that the balance was lower than she'd have expected. So I can't see why she didn't report the dispute until 21 August, if she didn't make the withdrawals herself.

The list of transactions on Miss O's account also shows that there were undisputed transactions very shortly before and after some withdrawals. For example on 9 August, there was an undisputed payment to a chemist at 18.53, then the disputed cash withdrawal at a nearby location at 19.02, and another undisputed payment to the chemist at 19.04. I can't see how any third party fraudster could have carried out the disputed cash withdrawal when Miss O herself carried out the other two undisputed transactions at the chemist.

So for all these reasons, I find it's more likely than not that Miss O authorised the disputed cash withdrawals herself. If she allowed someone else to use her phone and provided her passcode to that person, that counts as Miss O authorising the withdrawals.

Miss O says that she didn't receive the debit card or PIN. This doesn't fit with all the evidence above, including logins and undisputed transactions either side of disputed ones. Barclays has shown that it fulfilled its obligations and sent out the card and PIN and they went to the address on Miss O's account, which was also the address she gave to this service. Barclays isn't responsible if there were any postal problems, and it doesn't have to provide proof of delivery, as Miss O has recently requested. But in any case, the evidence I've set out above means it's unlikely that anyone other than Miss O carried out the disputed transactions.

Finally, I don't have the authority to consider Miss O's recent complaint that Barclays closed her account. That's because customers have to raise complaints with the bank first. So Miss O would need to raise this with Barclays so they can respond to her.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss O to accept or reject my decision before 7 July 2025.

Belinda Knight
Ombudsman