

The complaint

Mr M complains Santander UK PLC (“Santander”) refuses to refund him for transactions on his account he says were unauthorised.

What happened

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

In short, Mr M complained about transactions on his account between 1 May 2024 and 13 February 2025, which he says were not authorised as they were made while he was incarcerated. So, Mr M says Santander should refund these transactions.

Our investigator considered this complaint and decided not to uphold it. He felt that as Santander had demonstrated that the transactions were all made using Mr M’s genuine card and PIN, and there was no persuasive evidence of how the PIN could’ve been compromised, the transactions must have been completed with Mr M’s authority. Mr M wasn’t happy with this outcome, so the complaint has been passed to me for a 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.

A consumer should only be responsible for transactions made from their account that they’ve authorised themselves. Mr M has said he didn’t make these transactions, nor did he give anyone else permission to make the transactions in dispute. But Santander believes he did. My role then is to give a view on whether I think Mr M more likely than not authorised the transactions, based on the evidence I have available.

Santander has provided evidence that the transactions in question were completed using Mr M’s genuine card and correct PIN. It has also evidenced that there were no instances where the incorrect PIN was entered. This means whoever made the transactions had access to Mr M’s card during a time when he was incarcerated. We asked Mr M where his card had been during this time, but he was unable to account for its exact whereabouts. However, he says he believes it was kept by the prison with his other belongings. Mr M later says he had destroyed the compromised card when he received his new one. But I’ve seen evidence that Mr M told Santander that when he got his belongings back his card wasn’t among his things. So it is still unclear as where Mr M’s card was during the time the transactions were made.

In relation to the PIN, the technical evidence shows the correct PIN was used for these transactions, so the person responsible must also have had knowledge of the PIN. When asked, Mr M told Santander that he thinks the prison staff could’ve taken his card from his belongings and guessed his PIN to make these fraudulent transactions. But Santander have evidenced there were no incorrect PIN attempts. There are 10,000 possible combinations of a four-digit PIN, so it’s most likely anyone would correctly guess a PIN. Mr M says that as

the PIN was his date of birth it must have been easy for someone else to guess it. But as I said, there were no wrong PIN attempts and I find it highly unlikely someone else was able to guess this on the first attempt.

I've considered the statements and other evidence provided, but I cannot find any plausible explanation as to how someone else could've made these transactions without Mr M's authority and consent. Mr M says he had not written his PIN down anywhere and there is no evidence a new PIN was issued by Santander at the time. And as I've explained above, it is highly unlikely someone else could've guessed the PIN.

I know this outcome will come as a disappointment to Mr M, but overall, I think it's likely these payments were made with Mr M's consent. So, I will not be asking Santander to refund any of the payments in dispute.

My final decision

I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 6 March 2026.

Sienna Mahboobani
Ombudsman