

## **The complaint**

Mrs S has complained Nationwide Building Society treated her poorly and wouldn't refund £250 which was taken from her account at a cash machine within Nationwide's branch.

## **What happened**

In August 2024, Mrs S went into a Nationwide branch. She used a cash machine to get a mini-statement and walked away, intent on its contents. She only realised at the counter when she tried to use a different debit card that she'd left her Nationwide card in the cash machine. In the meantime someone had used her card to withdraw £250.

Despite the branch not being busy, Mrs S was concerned that nobody in branch noticed what was happening or was able to help her. She wanted a copy of the CCTV, but this was denied to her. She was upset that Nationwide wouldn't reimburse her.

Nationwide apologised for not lodging Mrs S's complaint as a fraud issue and gave her £150 to say sorry. Mrs S felt this was inadequate and brought her complaint to the ombudsman service.

Our investigator didn't believe there was anything she could ask Nationwide to do under the existing fraud legislation.

Still unhappy, Mrs S has asked an ombudsman to consider her 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.

The regulations which are relevant to Mrs S'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.

In this complaint, Mrs S has stated that "*unfortunately inadvertently*" she left her Nationwide debit card in a cash machine after using it to get a mini statement. She'd already inserted her PIN, which means any subsequent transaction – including therefore the withdrawal of £250 by another customer within a minute of Mrs S getting her mini statement – is authorised under the existing legislation.

I'm sure Mrs S will feel this is unfair and I completely sympathise. She's obviously been the victim of a crime, but this doesn't mean that I can ask Nationwide to refund her.

I know Mrs S feels Nationwide didn't treat her properly. Firstly, I wouldn't expect anyone within the branch – whether busy or not – to have noticed that someone used Mrs S's card after she left the cash machine. This was unfortunately just an opportunist thief and I wouldn't have expected their use of the cash machine to have looked unusual in the slightest.

I know Mrs S wishes to have been able to get a copy of the CCTV but under existing data protection legislation, I can understand why Nationwide denied this to her.

However, Nationwide should have treated this as fraud case which they didn't. Having accepted they made an error, I believe Nationwide's offer of £150 is fair and reasonable in the circumstances.

I am sorry to tell Mrs S that I won't be asking Nationwide to do anything further.

### **My final decision**

For the reasons given, my final decision is not to uphold Mrs S's complaint against Nationwide Building Society.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S to accept or reject my decision before 22 August 2025.

Sandra Quinn  
**Ombudsman**