

The complaint

The estate of the late Mr S has complained that Barclays Bank UK PLC have refused to refund transactions they said Mr S didn't authorise.

Mr S's daughter, Mrs S, is representing the estate and has been the point of contact throughout.

What happened

The late Mr S travelled to Iran in April 2023 and sadly passed away in early January 2024. In December 2023, Mr S's wife reviewed a statement relating to Mr S's Barclays account and contacted Barclays to report numerous transactions as unauthorised.

Between December and January, Mr S's family raised a dispute about numerous transactions made over six months and totalling around £36,000. Barclays have accepted that there were delays in investigating the dispute and have since offered Mrs S £500 compensation for this.

After looking into the dispute, Barclays didn't provide a refund. Barclays' position was that Mr S may have kept a record of his PIN which compromised the security of his account. Barclays also said that there was a suggestion the Mr S may have had a carer and so the transactions could've been made as part of an arrangement between them.

Unhappy with Barclays' response, the complaint was referred to our Service. Mrs S has since provided substantial submissions to us.

Mrs S explained that Mr S visited Iran every year or so and would stay for a few months. When visiting Iran, Mr S would withdraw cash prior to his visit and only use his Barclays account prior to his departure. Mr S also had an Iranian bank account for expenses whilst in Iran.

Mrs S said felt the transactions should have been identified as unusual account activity because:

- The account balance was around £17,000 prior to Mr S departing the UK. Mr S would also maintain a healthy balance, wouldn't spend large amounts of money and would never drain the account.
- From July 2023, it appears some of the transactions were to merchants in Turkey but Mr S didn't travel there as demonstrated by his passport.
- The transactions showed reckless spending which is inconstant with how Mr S managed his account.

Mrs S also outlined why they disagreed with Barclays outcome:

- The delay would have an impact on Barclays ability to investigate a complex fraud case.

- They tried to assist Barclays with their investigation by answering their questions but stressed to Barclays that any answers were likely best guesses. For various reasons, the estate couldn't answer questions about Mr S's time in Iran with any certainty.
- Mrs S doesn't think Barclays should have relied on their guesses to reach their outcome, including that Mr S might have written his PIN down.
- Barclays have failed to consider the nature of the transactions and whether it was likely Mr S would have authorised them.
- Barclays had overlooked relevant evidence. Including, details of the hospital and Iranian solicitor who raised concerns, passport evidence showing Mr S didn't travel to Turkey and the fact some of the transactions were made after Mr S was in hospital.

Mrs S also shared details of Mr S's health before leaving and what they'd found out about his time in Iran. I don't feel it's necessary to go into detail of what's been disclosed but want to assure Mrs S that I've fully considered what's been shared. I do, however, think it's relevant to note that Mrs S suspected Mr S may have had undiagnosed dementia before travelling to Iran and that Mr S was hospitalised and fell into a coma whilst in Iran, but Mrs S isn't sure when.

One of our Investigators considered this complaint but didn't recommend it was upheld. The Investigator concluded that the disputed transactions weren't inconsistent with previous spending on the account. They also weren't persuaded that the transactions appearing to take place in Turkey when Mr S was visiting Iran was suspicious, given the payments seem to have been made using Mr S's card and PIN.

As an agreement couldn't be reached the complaint was passed to me for a 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.

When deciding this complaint, I have given regard to the Payment Services Regulations 2017 (PSRs 2017).

Barclays have explained that all the transactions were authenticated using Mr S's card and PIN but haven't provided evidence of this for all the transactions. Barclays have said they don't have all the evidence due to the passage of time, but they were satisfied all the transactions were authorised by Mr S because they were all ATM withdrawals and card present transactions which required Mr S's card and PIN.

Although Barclays haven't evidenced how all of the transactions were authenticated, I still need to go on to consider whether it was more likely than not that Mr S carried out the transactions or gave someone consent to carry them out on his behalf. Having considered all the available evidence, I think all of the transactions were likely authorised – I've explained why below.

Testimony from the account holder is key evidence when deciding complaints like this. The account holder is best placed to identify transactions they don't recognise and to support their bank during an investigation. An account holder would usually be able to explain how they kept their possessions secure, confirming whether their card or PIN had been shared with anyone else and to answer questions about spending on their account.

It's not unusual for there to be incomplete information but this case is particularly challenging because the dispute was raised, and all information and evidence is being provided, by someone other than the account holder.

It's also challenging due to inconsistencies in the submissions provided. It's unclear why Mr S travelled to Iran and whether he was unwell prior to his departure. It's also unclear how Mr S spent his time in Iran, who he spent time with and when key events, such as Mr S being hospitalised, occurred. Mrs S has said some of the transactions were made whilst Mr S was incapacitated and so couldn't possibly have been made by Mr S or with his consent. But there's been no evidence provided that shows when Mr S's health deteriorated, when Mr S was admitted to hospital or when he sadly fell into a coma.

There seem to have been a few months prior to when Mrs S thinks Mr S went into hospital, for which there's no obvious explanation for why Mr S wouldn't be able to dispute transactions he didn't recognise. I find it surprising that Mr S wouldn't have raised concerns with Barclays, if he had them.

The challenge is how little detail we know about Mr S's situation in Iran, including whether he gave anyone access to his residence and possessions, such as a carer or trusted friend. If someone was given access to Mr S's residence, it's plausible that they would have been able to access Mr S's card. However, in order to complete the transactions they would also need to have obtained Mr S's PIN. Mrs S isn't sure whether Mr S kept his PIN written down but it's difficult to understand how a third party could have obtained it without Mr S's knowledge. It seems unlikely that a third party could have guessed Mr S's PIN given there are hundreds of possible combinations.

Mrs S has questioned the nature of the transactions but it's important to note that under the PSRs 2017 Mr S isn't only liable for transactions he made himself but also for transactions he consented to others making. It may have been that Mr S gave a third party - possibly a carer - his card and PIN in order to help Mr S. If this was the case and the third party then used Mr S's card and PIN to carry out more transactions than expected, all of the transactions would be deemed as being carried out with Mr S's consent and would therefore be classed as authorised by him.

We generally see fraudsters exhausting funds soon after gaining access to an account but these transactions were spread over months and the amount of money moving through Mr S's account wasn't inconsistent with earlier account usage. I don't think the value or frequency of the transactions were such that Barclays ought to have identified them as suspicious and prevented them from leaving Mr S's account. As for the location of the transactions, I don't think Barclays ought to have flagged transactions in a neighbouring country as unusual. And, as above, even if Mr S didn't travel to Turkey and engage in the transactions himself, it's not implausible that he may have given his consent for someone else to carry out the transactions on his behalf.

On balance, there's insufficient evidence to say Mr S didn't authorise the transactions. It's not my role to forensically investigate the circumstances of the transactions, that level of scrutiny is arguably more suited to a criminal investigation. Instead, I need to consider whether it was reasonable for Barclays to reject the fraud dispute and, for the reasons set out above, I think it was.

I can see Barclays offered compensation for their delays in investigating the dispute, but Mrs S didn't accept their offer. I imagine Barclays handling of the dispute caused Mrs S and her family distress and inconvenience but I'm afraid I don't have the power to award compensation to Mr S's estate for events occurring after Mr S passed. If Mrs S decides to accept Barclays' offer, she'll need to liaise with Barclays directly about this.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr S to accept or reject my decision before 3 March 2026.

Freyja Dudley
Ombudsman