

The complaint

Mr S complains that Barclays Bank UK PLC has declined to refund disputed transactions that were made from his account.

What happened

On 28 May 2025, two Automated Teller Machine (ATM) withdrawals totalling £290 were made using Mr S' card and his Personal Identification Number (PIN). Mr S says he was at home all day that day, and as soon as he discovered the transactions, he reported them to Barclays. He says no one else knows his PIN or had access to his card.

Barclays considered Mr S' request for a refund but didn't believe it was liable for his loss. Mr S raised a complaint, and in response, Barclays said:

- Both disputed transactions were made using Mr S' genuine card and PIN.
- Mr S had not used his card on 28 May 2025, so no opportunity existed for him to be observed using PIN. This would suggest it was available with the card or known to whoever was using it.
- There were no attempts to use the card after it was cancelled, indicating that the person using it was aware it would be of no further use.
- If this was not Mr S, it must be someone known to him. But as there is no evidence of third-party involvement, it would not be offering a refund.

Mr S then referred his complaint to our service where it was considered by one of our investigators. Based on the evidence available, she concluded that Mr S either made the withdrawals himself or authorised someone else to do so. So she didn't uphold the complaint.

Mr S didn't agree with our investigator. As well as other things, he said her opinion was speculative for the following reasons:

- There was an incorrect PIN attempt – he knows his PIN and would not have entered it incorrectly. This is strong evidence it wasn't him making the withdrawals.
- Fraudsters do not need to observe the most recent transaction to obtain a PIN.
- The absence of further attempts does not prove that he authorised the disputed transactions — it could simply mean the fraudster discarded the card, panicked after their success, or chose not to risk further use.
- Fraudsters often space transactions to avoid fraud detection systems. There is no regulatory or evidential basis for assuming that the pattern of transactions indicates his consent.

As no agreement could be reached, the complaint has been passed to me to decide.

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 realise this will come as a huge disappointment to Mr S, but I've reached the same conclusion as our investigator, for broadly the same reasons.

The relevant regulations here are the Payment Services Regulations 2017 (PSRs). 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. So, the issue for me to determine is whether Mr S carried out the disputed transactions himself or authorised someone else to make them on his behalf.

First of all, it's important to explain that I've seen Barclays' electronic records to show how the disputed transactions were processed. From this evidence, I'm satisfied they were carried out using Mr S' genuine card and PIN. I say this because I'm satisfied that the chip on Mr S' card was read when the transactions were processed, and the corresponding PIN was entered. It's not generally thought possible to copy the chip on the card, and our service hasn't come across any cases where we felt this was a likely explanation of what happened. I haven't seen any persuasive evidence this is what happened in this case. So, I'm satisfied that these transactions were made using Mr S' genuine card and PIN.

When questioned by both Barclays and our investigator as to how someone other than Mr S would've been able to obtain both his card and knowledge of his PIN, he said the following:

- His PIN is not an easily guessable number and doesn't relate to his date of birth or any simple sequence.
- He lives with his family. However, they don't have access to his card or PIN.
- He doesn't keep a written copy of his PIN anywhere.
- Nobody else knows his PIN.

I understand from Barclays that Mr S' card had had the same PIN since 2012. So it's possible that someone known to Mr S had been able to view him enter his PIN in the past for genuine transactions. But, Mr S has told us that no one has access to his card. And I consider it unlikely that he was targeted for his card and PIN at an earlier date, because there was a gap of three days between Mr S using his card for a chip and PIN transaction and the disputed withdrawals.

I'm always wary that just because there's no obvious point of compromise, that would mean the cardholder must have made the payments. However, based on the evidence here, and in view of everything Mr S has said to both Barclays and our service, I find it fair for Barclays to have treated these disputed transactions as authorised, as there is no explanation how anyone else other than Mr S could've made them. So I don't require Barclays to do anything further with this complaint.

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 Mr S to accept or reject my decision before 16 March 2026.

Lorna Wall
Ombudsman