

## **The complaint**

Mr M complains TSB Bank plc recorded a marker against him on a national fraud database. He doesn't think it's treated him fairly.

## **What happened**

Mr M received a payment into his account on 10 April 2025. He withdrew the funds at a cash machine the same day. However, the payment was later reported as being the result of a fraud.

TSB restricted the account and Mr M was asked to provide information to support why he had been entitled to the funds. He couldn't provide any tangible evidence but said the funds had been received on behalf of a friend and he'd simply done them a favour. TSB didn't find this satisfactory and filed a misuse of facility marker at Cifas, as it believed he had been complicit in receiving fraudulent funds. It also closed the account. Mr M found out about the marker and complained that he'd not done anything to cause this.

He asked TSB to remove the marker, submitting he'd been used by someone he thought was a close friend. TSB reviewed the loading with its specialist team, but it didn't think it had made a mistake in the steps it had taken.

Dissatisfied, Mr M contacted us and said the marker was affecting his mental health and plans for his future. He wished to challenge the bank's decision.

One of our investigators gathered some further information, which she considered along with everything else, but concluded TSB's evidence was enough to load Mr M's details onto Cifas, and particularly bearing in mind there wasn't anything to support his version of events.

Mr M refuted he'd done anything untoward. He said he'd since found messages that took place on the day of the payment with his friend. He believed these corroborated what he'd said. Namely, this was a favour for his friend who couldn't get funds themselves and so they'd asked another friend to send money to him, to withdraw and hand over. The investigator put the screen shots to TSB, but the bank said these didn't change its position.

At Mr M's request, the case was put forward for a decision. In doing so, Mr M pleaded the marker be removed.

## **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.

I have read and considered everything that Mr M has provided. As an informal dispute resolution service, we are tasked with reaching a fair and reasonable decision with the minimum of formality. In doing so, it's not necessary for me to respond to every point made, but to concentrate on what I consider to be the crux of the issue.

Cifas's guidance says that a bank must be able to show that fraudulent funds have entered the customer's account, whether they are retained or pass through the account. Secondly, the bank will need to have strong evidence to show that the customer was deliberately dishonest in receiving the fraudulent payment and knew it was, or might be, an illegitimate payment. This can include allowing someone else to use their account in order to receive an illegitimate payment. But a marker should not be registered against someone who was unwitting; there should be enough evidence to show deliberate complicity. Having considered this, I'm not upholding this complaint, and I'll explain why.

TSB placed a Cifas marker on Mr M's record because it felt it had enough evidence of account misuse. I've reviewed what happened and I've considered what Mr M has said about him not having any direct involvement. But I haven't found what he's said persuasive. In coming to this conclusion, I've thought about the fact that there isn't a satisfactory explanation why his friend couldn't have had their acquaintance withdraw the funds and there was a need to involve Mr M's account instead. This simply doesn't make sense, and our investigator also remarked on this in a call with Mr M.

Mr M contends he was manipulated by a good friend, suggesting he was naive. But I'm unable to accept this. Not when he had an account closed before, by another bank, for a payment involving almost identical circumstances.

We shared the screen shots Mr M sent us with the bank, but TSB didn't think these made a difference, and I don't think its position is unreasonable. I say this for several reasons, particularly noting that the messages aren't time stamped in the way that we'd expect them to be. But also, in the investigation, Mr M was specifically asked whether he had any messages, and he unequivocally told our investigator that there weren't any, as interactions with his friend about the payment had happened in a call. But he's now produced this information. He was additionally asked to explain why he didn't give these to the bank if he had them, and he said his phone was broken. Thinking about the facts of this case, I don't find this credible and I'm unable to place much weight on this evidence.

Based on what I've seen, I'm satisfied TSB were justified in its actions on the filing it made. I know Mr M is upset his record has been affected and I do hope he's able to get appropriate support with how he's feeling. But based on the available evidence, I'm afraid I don't think TSB acted unfairly when it recorded information on the Cifas database and closed the account (for completeness there's provision for that in the account agreement). Ultimately, I have found TSB has strong evidence to support its actions and Mr M hasn't been able to account for the activity to a reasonable standard. Therefore, I won't be requiring TSB to remove the information. I appreciate that my decision will come as a great frustration and disappointment to him. But for the reasons set out above, these are my conclusions looking at the evidence objectively.

### **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 M to accept or reject my decision before 19 May 2026.

Sarita Taylor  
**Ombudsman**