

## **The complaint**

Miss B has complained Lloyds Bank PLC won't refund £400 for two cash machine withdrawals which she didn't make.

## **What happened**

On 12 February 2024 Miss B noticed two cash machine withdrawals from her Lloyds savings account which she didn't recognise. She called Lloyds and told them she'd lost her cash machine card and hadn't made any withdrawals.

Lloyds could see Miss B's genuine card and PIN were used to make two withdrawals on 10 and 11 February 2024 at two different cash machines for £200 apiece. They weren't going to refund Miss B.

Miss B reported a crime to the police but was unable to get any confirmation from them that the CCTV evidence had been reviewed. Miss B called Lloyds again to complain that she'd noticed there was a foreign device on a cash machine which she had then removed. She was looking for Lloyds to refund her.

Lloyds confirmed they wouldn't refund Miss B although they did give her £50 for the difficulties she'd had when speaking to them on the phone.

Unhappy Miss B brought her complaint to the ombudsman service. During this period her testimony about what happened also changed.

Our investigator felt Miss B's testimony lacked credibility and she noted that Miss B's partner also knew the PIN for this cash machine card. She wasn't going to ask Lloyds to refund her.

Miss B has asked an ombudsman to consider her complaint. She also wondered if our investigator had contacted the police as she felt the CCTV had been viewed and showed she'd not been present.

## **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 conclusion 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.

It's worth stating that I can choose which weight to place on the different types of evidence I review, including technical evidence, provided by financial institutions along with complainants' persuasive testimony.

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 Miss B'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.

I note there has been conflicting information about what the police have or haven't said. It's not our role to speak to the police when reviewing the circumstances of an individual's complaint. Miss B provided us with more than 20 messages between herself and the police about her case. I don't agree with her that these confirm she wasn't present at the cash machine (although I don't think she necessarily was). What these say is that they have been unable to get evidence to progress any investigation.

Having reviewed the evidence, I believe there is enough to show Miss B authorised these two cash machine withdrawals. I say this because of the following facts.

At different times Miss B has told us that:

- she lost her card;
- the card had been retained by the cash machine;
- she'd discovered a foreign device attached to the cash machine;
- her partner reminded her that she'd lent him her card and he'd told her that it had been retained at the cash machine; and
- the police had confirmed the CCTV showed Miss B had not been present at the cash machine.

The difficulty I therefore have when I'm balancing the facts that show the genuine card and PIN were used is that Miss B has changed her story on numerous occasions. I appreciate what Miss B had told us about her health and the fact she's taking strong medication. She believes this explains why her accounts of what happened vary.

However, there are two things which convince me that Miss B authorised someone else to use her card:

- Prior to the cash machine withdrawals, there was a payment of £450 into Miss B's savings account. The first attempt at a cash machine was to withdraw £440 but this attempt was declined. This clearly suggests that whoever was making that withdrawal knew there were sufficient funds to enable that withdrawal.
- Miss B has admitted her partner knows her PIN. Her own testimony suggests that she may have given him her card to make these withdrawals. I can't tell for sure whether he was upfront in telling her that he'd then withdrawn £400 over two days but I think this is the most likely thing to have occurred.

As Miss B has on occasion given her card and PIN to her partner, I think she has provided him with her apparent authority to make withdrawals. I won't be asking Lloyds to refund her.

### **My final decision**

For the reasons given, my final decision is not to uphold Miss B's complaint against Lloyds

Bank PLC.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss B to accept or reject my decision before 23 March 2026.

Sandra Quinn  
**Ombudsman**