

Complaint

Mr S complains that National Westminster Bank Plc recorded a CIFAS marker against his name. CIFAS is the UK's fraud alert service.

Background

Mr S had an account with NatWest for several years. On 9 November 2018, he received a payment of £240.00 into his current account from an account held with Clydesdale bank. Clydesdale contacted NatWest to say the payment had been identified as fraudulent – and specifically the payer had been the victim of an email scam. As a result NatWest blocked Mr S's account.

NatWest asked Mr S about the payment. He told NatWest he didn't know anything about it. And that he hadn't given anyone his bank details. NatWest wasn't satisfied with Mr S's explanation. So, it closed his account and placed a CIFAS marker against his name. Mr S complained to NatWest about the marker. But it said it wasn't prepared to remove it. So, he brought his complaint to us.

Mr S told us that he was expecting a payment for his wages from his ex-employer. And he'd logged onto his online banking and saw the £240.00 payment. Mr S says he tried to call NatWest on 9 November 2018 after he'd noticed the payment. But NatWest was closed.

One of our investigators considered Mr S's complaint but didn't think NatWest should remove the fraud marker. She noted that Mr S had given her a different explanation about the payment to the one he gave NatWest at the time. So she asked him to provide evidence of his employment to support what he'd said about the origin of the money. But Mr S didn't provide anything.

The investigator also noted that Mr S had logged onto his online banking on multiple occasions after the payment was made into his account – which was at times when he would've been able to speak to NatWest to tell them about the payment as it wouldn't have been closed. And when Mr S had called NatWest it wasn't to speak to them about the payment – but was because he wasn't able to access his account due to the block NatWest had put on his account. So she didn't uphold the complaint. And said NatWest didn't need to remove the marker.

Mr S didn't accept what the investigator said. He said he knows nothing about the payment. And he asked for the matter to be considered by an ombudsman. So, the complaint has come to me to decide.

My findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I have however, reached the same conclusion as the investigator did, and for similar reasons.

I accept that the £240.00 paid into Mr S's account on 9 November 2018, came originally from the victim of a scam. The investigations carried out by the victim's bank and NatWest support this to be the case. And I've no reason to doubt their findings. So, I'm satisfied that Mr S received fraudulent funds into his account. But that doesn't necessarily mean, that Mr S was involved.

However, Mr S's explanation of how the money came to be paid into his account is, in my view, not very convincing. Initially he told our investigator that he was expecting a payment of £350.00 from his employer and that this was going to be his first set of wages. He then told the investigator that he was expecting around £250.00 and that he'd been receiving his wage payments into the account for a few months. Mr S also said he'd received cheques from his employer which he cashed at the post office. But when asked by the investigator to provide evidence of his employment, such as a wage slip, Mr S wasn't able to provide anything.

I've also note that the explanation he gave to our investigator is very different to what he told NatWest at the time. I've listened to the call recording of his conversation with NatWest on 10 November 2018, and Mr S told NatWest that he had 'no idea' about the payment. And he can't explain how it came to be made into his account as he hadn't given anyone his bank details. He made no mention of the payment possibly being wages he was expecting as he told our investigator. In fact, he didn't mention the payment until NatWest asked *him* about it. It's clear from the call that Mr S called NatWest because he couldn't access his account – and not as he's suggested to our investigator to speak to them about the payment coming into his account.

I also can't ignore Mr S's online activity at the time. I can see that Mr S logged onto his online banking 20 times on the day the money came into his account. Including *after* the money was paid in. So, I think more likely than not he was aware of the money coming into the account. And from looking at the amount of times he was logging in, I think it's more likely than not he was expecting the payment. And he was checking whether it had been received.

From looking at Mr S's account statement I can see that the payment reference against the £240.00 wasn't Mr S's employer but a different name, which wasn't related to Ms S's employer. So, I think it's reasonable to expect Mr S to have raised this with NatWest and check what the payment was, if as he says he knew nothing about the payment. But he didn't alert NatWest that an unrecognised credit had been paid into his account.

Of course, I can't rule out the possibility that Mr S has been merely naïve here. And he's been the victim of a scam himself. But he's provided conflicting and extremely limited information about the payment into his account. In short, I think it more likely than not that he knows more about the payment into his account than he has been prepared to tell us or NatWest

In the circumstances, I think NatWest was justified in acting in the way it did. On that basis, I think it's fair that NatWest reported Mr S to CIFAS for misuse of his account. And I'm not going to ask it to remove the marker.

My final decision

For the reasons I've explained, 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 January 2020.

Sharon Kerrison
ombudsman