

complaint

Mrs M complains about a number of transactions she says she didn't make or authorise. She is unhappy that Tesco Personal Finance PLC won't refund them.

background

Mrs M says she's unwell and uses a carer. She gave her carer her credit card and PIN so she could use the account for her. And she kept information about her other accounts (and an account Mrs D holds jointly with her husband) in the house. But Mrs M says her carer took advantage of her and made a large number of transactions without her permission. She has told us she doesn't expect Tesco to reimburse her for all them. But she wants it to refund her for various gambling transactions she didn't make or authorise.

Tesco has refused. It says Mrs M has been inconsistent with it about what happened. Originally Mrs M said she'd employed the carer using an agency. And the agency had told her that there had other reports of theft in connection with this carer. Later Mrs M said this didn't happen. She said she'd actually found the carer on facebook. But she no longer had a copy of her advertisement or the replies she received. Mrs M says she's talked about the agency because she was embarrassed. And she hasn't reported the matter to the police because she has been threatened by the carer's sister. Tesco says it can't find a record of the advertisement on facebook.

Our adjudicator sympathised with Mrs M about what had happened. She accepted that Mrs M's health has been poor, and that this matter has added to her worries. But she thought that Tesco had looked into what happened as we would expect it to do. She could see that it tried to contact all the companies that were paid using Mrs M's card. So she was satisfied that it took appropriate action when Mrs M raised the complaint. And she understood why it has decided not to reimburse Mrs M. In short, Tesco says it can't be sure that Mrs M didn't authorise the disputed transactions.

Mrs M asked for her complaint to be reviewed.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. And I don't think Mrs M's complaint should be upheld either. I'll explain why.

I'm extremely sorry to hear about the difficulties Mrs M has had. I know that she has been very upset about what happened. And I appreciate that she hasn't been well. Having considered what Mrs M has told us, I don't think she made the gambling transactions she disputes herself. And I don't think she gave her carer permission make them for her. I think it's likely that the carer used Mrs M's card and PIN without permission when she made the gambling transactions. But there's no dispute that Mrs M gave her carer access to her card and PIN.

Mrs M has told us why this happened. She says she was very fragile during the relevant period of time. And she was often in bed struggling with her illnesses. So she gave the carer her card and PIN so she could go to the shops for her. She didn't know she'd use the card for other purposes or access her bank account online after she'd searched for other information in Mrs M's home.

I really do sympathise with Mrs M. But I'm conscious that she has told us she found her carer through facebook, not an agency that employed carers that had been vetted. In the circumstances, I don't think it's fair that Tesco should be held responsible for the gambling transactions. I don't think Mrs M lost out because it has made a mistake. And I don't think it could've reasonably foreseen that Mrs M would give her card and PIN to a carer that hadn't been vetted. So it follows that I don't uphold 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 Mrs M to accept or reject my decision before 28 November 2016.

Laura Forster
ombudsman