

## **complaint**

Mr C complains that TSB Bank plc failed to deal properly with him following fraudulent use of his account by a third party, causing him significant additional upset and trouble.

## **background**

Mr C was the victim of a fraud, in which the proceeds of a loan were paid into Mr C's bank account with TSB and some of the money was then taken out through telephone banking.

Following a further, unsuccessful attempt by the fraudsters to access the account through telephone banking, TSB's security process was triggered and the account was blocked. TSB contacted Mr C and the fraud was then discovered.

Mr C did not lose any money through the fraud, but he says that the way TSB dealt with him was unprofessional and caused him significant additional trouble and upset. He explains that he encountered administrative confusion, delay and errors. He also received wrong information and advice, and says that some staff displayed an inappropriate attitude.

TSB does not feel it could have done more to prevent the fraud in the first place, but accepts that there were numerous shortcomings in the way it dealt with Mr C when trying to sort things out. It paid him £400 to reflect that, and a further £50 for his out of pocket expenses.

Mr C did not feel that went far enough and said he had hoped to receive compensation of £1,500. He brought his complaint to this service, where an adjudicator investigated it.

Initially, the adjudicator felt that an additional payment may be appropriate. From the fuller evidence, though, the adjudicator concluded that the amount TSB had already paid Mr C represented a fair settlement overall.

Mr C was unhappy that the adjudicator did not ultimately recommend any additional payment and asked for his complaint to be reviewed. He did not make any new points or arguments.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Looking at what happened here, I don't consider that TSB was in a position to identify the original deposit as fraudulent – because there was nothing inherently suspicious about it at that point.

TSB says that whoever made the initial telephone payment out of Mr C's account had the necessary security information to access the account, but I do not have to consider that point further as, fortunately, Mr C did not lose any money to this fraud.

Given that he was the innocent victim of fraud, there was no way Mr C could have avoided the substantial personal upset and inconvenience caused by the fact of the fraud. But the way TSB then dealt with Mr C added a degree of unnecessary additional trouble and upset.

TSB accepts this. It's said it has drawn matters to the attention of the individual members of staff involved and it has also apologised and paid Mr C compensation and expenses. I know that Mr C had hoped that the ombudsman service could penalise TSB for what happened, but my awards do not include any element of fine or punishment – as I do not regulate or supervise the banks.

In all the circumstances, I find that the amount already paid to Mr C by TSB represents a fair and proportionate settlement in this case.

### **my final decision**

My final decision is that I do not uphold this complaint, because Mr C had already received fair redress before he came to us.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 9 December 2015.

Jane Hingston  
**ombudsman**