

## **complaint**

Mr and Mrs C complain that The Royal Bank of Scotland Plc ("RBS") wrongly rejected Mrs C's claim for a refund of payments from their joint account which she says were made by a fraudster. They also complain that RBS closed their joint account earlier than it had said it would.

## **background**

Mr and Mrs C had a joint account with RBS. In September 2017 some online payments were made to a gambling website using Mrs C's debit card. She denies that these payments were made by her, and says that a fraudster made them. She asked RBS to refund the payments, but it refused. RBS did not believe that Mrs C hadn't made them herself. (RBS did however pay her £40 as compensation for how it dealt with her in a phone call.)

RBS sent letters to each of them to tell them that their account would be closed in 60 days. But instead the account was closed in the following month. Mr and Mrs C complained about that, and RBS paid them £200 compensation. Mr C also complains that he was given incorrect information about how to turn the joint account into a sole account in his name (since RBS had not decided to end its banking relationship with him), and that RBS failed to open an account for him.

Mr C complained to our service on behalf of himself and his wife.

Our adjudicator did not uphold this complaint. She thought it was likely that Mrs C had made the payments herself, as it wasn't clear what benefit a fraudster would have received from making payments to a gambling website and not making any withdrawals, instead of just emptying the account as quickly as possible. She also noted that Mr and Mrs C had made 20 previous fraud claims and been issued with 17 new cards in the previous four years, and she didn't believe that all of these cards had been used by a third party without their knowledge. She thought that £200 was fair compensation for the early account closure. She didn't think she had enough evidence to reach a conclusion about Mr C's experience in trying to open a sole account.

Mrs C did not agree with this opinion, and she asked for an ombudsman's decision.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. I do not uphold it, for broadly the same reasons as our adjudicator. I will explain why.

The pattern of transactions on the account are not the behaviour that I would expect of a fraudster. Rather than emptying the account immediately, a number of small payments were made to an account in Mrs C's name with a betting website. No withdrawals were made from the betting account. So there was no benefit to the fraudster (assuming that there was one). Also, Mrs C still had her debit card after the payments were made. I have considered whether her card might have been used by her son, who has used her card before. But on balance, I don't think that's likely this time. He would know that suspicion would fall on him; he last used the card to order goods rather than to gamble; and he doesn't live with Mr and Mrs C any more.

Since 2013, Mrs C has made 19 fraud claims and Mr C has made eight. I'm afraid to say that this stretches their credibility somewhat. I'm not prepared to say that these payments were not authorised by Mrs C just because she says so. I certainly don't think RBS was wrong to decline her claim for a refund without stronger evidence.

The early account closure was an error, and it shouldn't have happened. I was sorry to read about the stress and difficulty that Mr and Mrs C were caused by this. But I agree that £200 is fair compensation for it.

There is not enough evidence for me to determine whether Mr C applied for a sole account, or why it was refused, and I make no finding on the matter. RBS did not wish to end its banking relationship with him, so I hope he is able to continue banking with them. If there are any more difficulties with this in future, then he can of course bring a new complaint about that.

### **my final decision**

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs C to accept or reject my decision before 20 March 2018. But if we don't hear from them, then we will presume that they have rejected it.

Richard Wood  
**ombudsman**