

complaint

Mrs H and her grandson Mr H say Santander UK Plc refused to refund a disputed standing order on Mrs H's business account.

our initial conclusions

Our adjudicator didn't recommend the complaint should be upheld. He said whilst he appreciated both Mrs H and Mr H say they didn't set up the standing order, the bank evidence shows it was set up in a branch with the account's PIN, that only the accountholder should know. He therefore said he couldn't find fault with the bank's decision. Mrs H and Mr H were unhappy with this conclusion and asked for an ombudsman's review.

my final decision

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Where the evidence is incomplete (as some of it is here), I've 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 available evidence and the wider circumstances. Having done so, I've reached the same conclusion as the adjudicator and for the same reasons.

I understand this will be very frustrating for Mrs H and Mr H as it leaves unanswered questions for them. But I have to decide, based on the evidence we have, whether it's most likely the bank made an error setting up the standing order. Only then can I order it to refund the £265. On balance, and after looking at the systems information showing the PIN was used to verify the request, I can't fairly agree it did anything wrong. So it follows I can't tell it to refund the transaction. As the CCTV is no longer available unfortunately we can't know who visited the branch, with the PIN, and set up this disputed standing order. But the available evidence doesn't fairly allow me hold the bank liable.

My final decision is I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs H and Mr H either to accept or reject my decision before **15 February 2016**.

Rebecca Connelley

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.