

## **complaint**

Miss C complains that Barclays Bank UK PLC has closed her account and placed a fraud related marker against her record. She hasn't been able to open another account.

## **background**

On 4 May 2018 a credit of £1,000 was paid into Miss C's account. The following day Miss C transferred it to another account in her name with a different bank. Then £250 was transferred back and immediately withdrawn in cash.

Barclays was told that the money paid into Miss C's account was fraudulent. It felt the evidence showed that Miss C knew what had happened. It closed her account, as its terms and conditions allowed it to do, if someone misused their account. It also registered a CIFAS marker against her name. CIFAS is one of the UK's fraud alert services.

Miss C says that a trusted friend took her bank details from her debit card without her knowledge and arranged for the money to be sent to her account because he had lost his card and needed the money urgently. She says that she tried to send the money back but couldn't do so because she didn't have a card reader. So she thought she'd send it to her account with another bank and then send it back from there. But she faced the same problem. She says that she didn't know the money had been transferred fraudulently until Barclays closed her account.

Our investigator didn't think that Barclays had acted unfairly in closing the account and placing a CIFAS marker against Miss C's name. Having looked at what happened and what Miss C told Barclays and her other bank at the time, he felt there were inconsistencies in what she said had happened.

Miss C didn't accept the investigator's findings and asked that an ombudsman review the case.

## **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 having done so, I've come to the same overall conclusions as the investigator and for broadly the same reasons.

The money paid into Miss C's account was transferred in without the consent of the person from whose account it was sent. This meant it was a fraudulent payment. But before placing the CIFAS marker against Miss C's name, Barclays needed to have a reasonable belief that criminal charges could be brought against her as a result of the activity. A suspicion or concern isn't enough. So I've looked at whether Barclays was fair to apply the marker, based on the evidence it had and the investigation it carried out and what the rules say about applying such markers.

Having reviewed Miss C's version of events and the evidence Barclays have provided, I'm satisfied that Barclays has sufficient evidence for a CIFAS marker to be recorded on her file. In coming to this view, I've taken into account the following reasons:

- Barclays has provided evidence to show the inward payment received on the 4 May 2018 was fraudulent.

- Miss C has been inconsistent with her story of what happened. She told Barclays that the money was from a friend who made the transfer without her knowledge. Yet she told her other bank that the money was from a friend to repay money she had lent to him.
- Miss C says that she wasn't aware of what was happening on her account but there's multiple mobile banking log ins from her phone on the 4, 5 and 6 May 2018.
- Miss C says that she didn't know that the money hadn't come from her friend's account but she didn't recognise the name of the person paying the money into her account.
- Miss C transferred the full amount received from her Barclays account to another account in her name with a different bank on 5 May 2018 using mobile banking. She says she did this so she could return the money to her friend because he sent it without her permission.
- Miss C didn't report any of this activity to Barclays or ask it to help her send the money back. She says she only found out it was fraudulent after Barclays closed her account.

The mobile app that Miss C used shows the name of the sending account. So during all of her online activity I think she would have seen that the money paid into her account wasn't from her friend. I would have expected her to report this to Barclays as soon as she became aware of it. But she didn't do so. Instead she transferred it to another account and withdrew £500 cash, before transferring £250 to her friend and transferring £250 back to Barclays, which she took in cash. Based on all of this, I think Miss C had at least some awareness of what was going on.

Taking everything into account, I find that Barclays have met the burden of proof required by CIFAS to add the marker. I appreciate that this will be a great disappointment to Miss C as the marker is causing her difficulty now and in the future. But given what I've said above, I don't think Barclays has treated her unfairly by recording the CIFAS marker. So I'm not going to ask it to remove it.

### **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 Miss C to accept or reject my decision before 1 March 2020..

Karen Wharton  
**ombudsman**