

complaint

Mr U complains that The Royal Bank of Scotland Plc wrongly closed his account, denied him access to his money and recorded adverse entries with CIFAS and in his credit file. He's been represented by his father.

background

In July 2017 a credit of £3,000 was paid into Mr U's account with RBS. The following day, the bank received a request for a new a card and, a few days after that, a request for a new PIN.

Over the next couple of weeks, nearly all of the £3,000 was withdrawn at cash machines and over the counter. Mr U said he wasn't responsible for the transactions and that he hadn't received the replacement card or PIN. The bank reviewed what had happened but declined to refund the withdrawals. They had, it said, been made using the genuine card and PIN; they'd been sent to Mr U's home address and there was no plausible explanation as to how someone else could have obtained them without Mr U's permission.

A few weeks later RBS wrote to Mr U to tell him that it would be closing his account 14 days later.

Mr U complained to this service and one of our adjudicators considered his complaint. He thought it more likely than not that Mr U had either carried out the transactions himself or authorised someone else to do so. He didn't recommend that the bank refund the withdrawals or take any further action to resolve Mr U's complaint.

Mr U didn't accept the adjudicator'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. Have however reached the same overall conclusions as the investigator did, and for similar reasons.

The bank's records indicate that the genuine card and PIN were used, together, for all the disputed withdrawals, including the counter withdrawal. I accept that was the case. It is of course consistent with Mr U's case that he didn't receive the replacement card or PIN but that someone else was able to intercept them. I must therefore consider whether that's likely to have happened.

The card and PIN notification were ordered at different time and were sent to Mr U's home address separately, and on different dates. It's apparent though that they were both received by the same person, since they were used together. It's possible of course that both the card and the PIN notification were wrongly delivered or that both were intercepted. I think however that's unlikely. The most likely explanation for both being used together is that they were both delivered to the same address; and the most likely delivery address is that of Mr U.

In all the circumstances, therefore, I think it more likely than not that Mr U received the card and PIN notification and that he either carried out the disputed withdrawals himself or authorised someone else to do so. In the circumstances, it wouldn't be fair to require the bank to refund them.

Mr U has asked whether RBS obtained CCTV coverage of the withdrawals. I agree that it might be helpful – if available. But I also agree with the adjudicator that it's unlikely to be conclusive. Even it showed someone other than Mr U using his card and PIN, it wouldn't show whether Mr U had allowed that person to do so.

The bank says it hasn't recorded any information with CIFAS – the UK's fraud alert service. I believe however that it would have been justified in doing so, and so I leave it to Mr U to take that matter up with CIFAS and any similar credit or other agencies if he wishes to do so.

Mr U also said that RBS had blocked his account. But the remaining balance was withdrawn before the account was closed, so it doesn't appear this was the case or was only temporary. And, whilst RBS gave Mr U relatively short notice of closure, I don't believe that was unfair in the circumstances.

my final decision

My final decision is that I don't require The Royal Bank of Scotland Plc to take any further steps to resolve Mr U's complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr U to accept or reject my decision before 24 February 2020.

Michael Ingram
ombudsman