

complaint

Mr A complains that Santander UK plc allowed more than £6,500 to be taken from his account between 1996 and 2000. He says he didn't make the withdrawals.

background

Mr A has an Abbey National (now Santander) savings account. He has a passbook to use the account. In 1996, Mr A deposited a cheque for over £6,000. The bulk of the money was withdrawn over the following two years. The account was closed in 2000.

In 2013, Mr A contacted Santander. He'd reviewed his passbook and didn't recall using the account between 1996 and 2000. He asked Santander to look into matters. But Santander said it wouldn't return the money.

Our adjudicator said the time that had passed since the withdrawals meant she couldn't review some key evidence. She thought Santander had done what it could to establish what had happened. On balance, she felt it most likely Mr A had withdrawn the money himself. But Mr A maintains he didn't use the account. So the matter has been passed to me for review.

my findings

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

Santander and Mr A can't agree what happened. And there's not much in the way of papers for me to look at. But then, banks aren't required to keep this sort of information indefinitely.

The withdrawals took place around 15 years ago. So while I appreciate Mr A would like to see evidence of the withdrawal forms, that's simply no longer available. With this in mind, I've based my decision on what I think is most likely in the light of the available evidence.

Mr A didn't use his passbook account very often in the mid-1990s. But when he did, he used the same branch throughout. And it was that branch where he paid in the cheque, and where the disputed withdrawals were made.

That isn't in itself conclusive, of course. But I note Mr A has sent copies of his current account statements from the late 1990s. They show the bank was applying overdraft charges. If Mr A thought he still held over £6,500 in his passbook account at that time, I might have expected him to look into transferring money over to clear the overdraft. If so, then Mr A would have been alert to the withdrawals rather earlier. He didn't, and that suggests to me he had no reason to question the withdrawals at the time.

I accept Mr A doesn't now recall withdrawing the money. But on balance of the evidence available to me, I'm satisfied that's the most likely explanation.

my final decision

I know Mr A will be disappointed by this outcome. But in the circumstances, I can't reasonably expect Santander to return the money to him. My final decision is that I'm unable to uphold his complaint.

Niall Taylor
ombudsman