

## **complaint**

Miss M complains that Vanquis Bank Limited won't refund two cash machine withdrawals that she says she didn't make or authorise anyone to make.

## **background**

Miss M's Vanquis credit card was used to make two cash machine withdrawals either side of midnight on 12/13 March 2018. Each withdrawal was for £200. Miss M reported them to Vanquis at about 8am on 13 March. She told Vanquis that the card had gone missing and that she didn't keep a record of its PIN.

Vanquis looked into the matter but wouldn't refund the withdrawals. It said they'd been made using the genuine card and the correct PIN. Since Miss M hadn't disclosed the PIN to anyone, it was likely that she, rather than a third party, was responsible for them.

Miss M didn't accept that and referred the matter to this service. One of our investigators looked at what had happened and issued a preliminary assessment. She thought that Miss M's account of events – which I'll discuss in more detail below – meant that it was quite possible that someone known to Miss M had found out her PIN and taken her card without her knowledge. She recommended that Vanquis refund the withdrawals.

Vanquis didn't accept the investigator's recommendations and asked that an ombudsman review them. I did that, but reached – provisionally at least – reached a different conclusion from the investigator. I invited further evidence and arguments. Vanquis and nothing further to add, but Miss M didn't accept my provisional conclusions and asked that I look at the complaint again.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I haven't however changed my overall view since I issued my provisional decision.

Miss M said she didn't understand how I could have reached a conclusion different from that reached by the investigator. But the reason for that is that, whilst the investigator thought that Miss M's account of events was possible, I thought it was most unlikely, especially given that it had changed in a number of material respects.

Miss M said that she'd changed her PIN. Vanquis's records showed that Miss M did change her PIN, but not until after the disputed withdrawals.

Miss M told us that, on the evening when the withdrawals took place, she had several friends to visit. She lives in shared accommodation. She explained that some people left before midnight and suggested that one of them might have taken her card. She also said that she'd used the card the previous day to buy drinks ahead of the gathering on 12 March, and that one of those friends had been with her and might have seen her PIN then. When she reported the matter to Vanquis she said that she'd been feeling unwell on the evening of 12 March and had gone to bed early – leaving those who stayed the opportunity to take her card.

I think it unlikely that Miss M was, as she says, buying drinks for the following day on 11 March. She made two payments, for £4.55 and £1.75 – not enough to suggest she was

shopping for a group of visitors. But even if there was someone with her then, I think it unlikely that they would observe and remember Miss M's PIN on the off chance that they might then have the opportunity to take the card.

Miss M told the investigator that she realised her card was missing when some (but not all) of her friends were still at her house. She says she asked them to help her look for the card and sent text messages to those who had already left, although she's since changed her phone and no longer has evidence of that. She didn't however contact Vanquis until the following morning. The declaration she signed to report the loss didn't mention any of this, even though it asked specifically about the circumstances in which the card went missing. It also seems to me to be at odds with her statement that she'd gone to bed early.

I accept that someone who has had their credit card stolen won't necessarily know the exact circumstances in which that might have happened. I also accept that it's not always possible to recall exactly details which at the time might seem minor or irrelevant. But I'm afraid that Miss M's account of events includes far too many contradictions, even about things which are clearly significant, that I can't simply overlook them. For those reasons, I think it more likely than not that Miss M either made the withdrawals herself or let someone else make them. Either way, it wouldn't be fair to require Vanquis to refund them.

#### **my final decision**

My final decision is that I don't require Vanquis Bank Limited to do anything more to resolve Miss M's complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 25 December 2019.

Michael Ingram  
**ombudsman**