

complaint

Mr N complains that Santander UK plc unfairly withdrew his current account banking facilities but continued to apply charges to his account.

background

Santander withdrew Mr N's banking facilities when it had investigated what it thought were suspicious transactions on his account. Several attempts had been made to pay in cash at ATM machines, having been verified by Mr N's correctly entered "PIN" number. Two such transactions were actually posted to Mr N's account on consecutive days for £200 and £250 at separate branches. When branch staff opened the deposit envelopes they found no cash and in the second envelope a receipt from a coffee bar with Mr N's card number and a handwritten amount of £250. Both transactions were reversed and Santander was not satisfied with the explanation given by Mr N. He said that the machines were not working correctly and he had never deposited an envelope. Mr N's account was sent to the collections department for repayment of the outstanding overdrawn balance.

The adjudicator did not recommend that the complaint should be upheld. He noted that each deposit was checked by two members of staff. Mr N had said that he was testing the machines but the adjudicator considered Santander had cause to be suspicious and had grounds to close the accounts.

Mr N did not agree and said, in summary, that he had received correspondence that the account was still open. He also said that all previous deposits had been rejected immediately until the entry for £250 and he says that no envelope was produced.

my findings

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

Where the evidence is incomplete, inconclusive, or contradictory (as some of it is here), I reach my decision on the balance of probabilities - in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances. I can see that Mr N did make several unsuccessful attempts to pay deposits to his current account through the ATM and that these did not credit his account. But, I have seen a copy of an envelope for a deposit for £200 which was checked by two members of staff the next day and found to contain no money. The envelope and contents relating to the deposit for £250 have been destroyed by Santander but I have seen a written statement from the branch director confirming that she and another named member of staff saw the coffee shop slip.

I understand that Mr N's explanation is that he was testing the machines. He was able to make a successful deposit some days earlier and having clearly been unable to pay in cash this time did not make any other attempt to pay this in through a branch counter. His account was not blocked straight away until Santander had looked into this and spoken to Mr N to hear his explanation. I am satisfied that it did not act unfairly given its suspicions about the transactions.

Mr N was able to withdraw funds in cash from his account and a pre-notified charge was applied to his account. Since that point his account was with the collections department as it

has an overdraft facility that he is responsible for repaying. No further charges have been applied.

I know Mr N will be disappointed when I say that I do not consider Santander has acted unreasonably.

my final decision

In light of the above my decision is that I do not uphold this complaint.

Michael Crewe
ombudsman