

## **complaint**

Mr R complains that National Westminster Bank plc placed a fraud marker against his name after fraud was identified on his account.

## **background**

In early 2016 there were, over a period of around three weeks, a number of transactions on Mr R's NatWest account. These included a series of card transactions – totalling around £5,000 – and deposits of a similar amount.

Mr R tried to report his card stolen, but was told that his account had already been closed. When he later tried to open an account with a different bank, he was unable to do so, because NatWest had placed a marker with CIFAS, the UK's fraud alert service.

Mr R didn't think that was fair and complained to the bank. It said it had carried out an investigation at the time of the disputed transactions and decided then to close his account. Mr R said he was unaware of that investigation or the outcome.

Mr R didn't think he'd been treated fairly. He said he hadn't carried out the transactions himself or allowed anyone else to do so. They were out of character, not least because he was only 14 years old when they took place. To resolve things he wanted NatWest to remove the fraud marker. NatWest wouldn't agree to do so and Mr R complained to this service.

One of our investigators considered what Mr R and the bank had said. She concluded however that it was likely that Mr R had authorised the transactions, and so she didn't feel that NatWest needed to do any more to resolve his complaint. Mr R didn't agree 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.

Mr R's primary concern appears to be the CIFAS marker that's been placed against his name, rather than the transactions on his account that he says he knew nothing about. But, in order to decide whether I should make NatWest arrange for the removal of the marker, I need to consider the circumstances in which those transactions took place.

As I've said, the unusual activity on Mr R's account continued for around three weeks, without him noticing it. I can understand that he might not have checked his account in that time. It's possible too that he didn't know about the payments into his account, since they could have been made by anyone who had his sort code and account number – information which isn't difficult to find out. But I also think the use of the account over that time suggests very clearly that the same people were responsible for both the payments into the account and the card transactions.

I'm satisfied the genuine card was used with the correct PIN. So whoever made the transactions must have been able to get hold of the card and find out the PIN. There's no credible explanation as to how that would have been possible in this case. Mr R hadn't used the PIN for some days before the first withdrawal, and it's unlikely someone would have observed it and then waited to take the card. Mr R doesn't know how his card went missing,

and it's surprising that he didn't notice for three weeks that he no longer had it. I note too that the bank wrote to Mr R about his concerns but he says he didn't receive that letter.

I think it's very likely that Mr R's account was, in effect, taken over by someone else who then arranged for fraudulent payments into it in the knowledge that they would be able to take money out of it. It may well be that Mr R hasn't benefited from that himself, but I think it's more likely than not, for the reasons I've explained, that he was involved – at least in the sense that he allowed his account to be used or knew that it was being used.

As I've indicated, it may well be that Mr R didn't profit from these events and it's possible, especially given his age, that he was a less than willing than willing participant. But I do believe he knows rather more about what happened than he's told the bank or this service. But none of that leads me to think the bank has treated him unfairly.

### **my final decision**

My final decision is that I don't require National Westminster Bank plc to do anything further to resolve Mr R's complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 17 November 2019.

Michael Ingram  
**ombudsman**