

complaint

Mrs D and Mr D complain that someone other than them withdrew money from the joint savings account they hold with Santander UK Plc.

background

In May 2015, £3,000 was withdrawn in cash from Mrs D and Mr D's joint savings account. Santander says Mrs D used her current account debit card, personal identification number (PIN) and passport to withdraw the money.

Mrs D's husband, who acts as her representative in this complaint, says Mrs D only used her debit card and would've left her savings card at home. He says Mrs D was at his side in hospital when the withdrawal took place.

Before this service became involved, Santander paid £50 to apologise for any failing in customer service when making their complaint. It wasn't willing to refund any of the £3,000.

Our adjudicator didn't recommend Mrs D and Mr D's complaint be upheld. He explained a customer is allowed to withdraw money in branch from a savings account without a passbook or savings account card as long as they can prove their identity. Our adjudicator was satisfied Mrs D used her debit card and PIN to prove her identity along with her passport. He didn't consider it likely a member of staff made the withdrawal as the bank's records show Mrs D's debit card was used in a bank card reader when her PIN was inputted.

Mrs D and Mr D disagree with our adjudicator conclusions. They've given this service newspaper clippings reporting on staff fraud at Santander. And they've given us a letter from someone who says Mrs D was always visiting her husband between 12 p.m. and 3 p.m. each day, including the day of the withdrawal. Mrs D's husband says she wouldn't have withdrawn any money from the account as it was a five year fixed deposit account earning a good rate of interest.

Mrs D's husband says her current account debit card can only be used to withdraw money from her current account. And that Mrs D has a separate deposit card that she would need to use to withdraw money from the joint savings account. Mrs D's husband wants us to order the bank to produce CCTV footage as he says this will show Mrs D didn't withdraw the money.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I agree with the conclusions of our adjudicator.

In cases like this, where the evidence is inconclusive, I reach my decision on the balance of probabilities. That means I'll look at all the available evidence and decide what I think is most likely to have happened.

Santander allows customers to withdraw money in branch if they can prove their identity. If the customer has more than one Santander account – as is the case with Mrs D – Santander can allow the customer to prove their identity using a different card to the account from which they want to withdraw money. Mrs D used her current account debit card to withdraw

money from another savings account in the past. I can't find Santander made a mistake when it allowed Mrs D to withdraw money in May 2015, using her debit card and passport.

Mrs D's husband suspects that someone other than his wife used her debit card details, PIN and passport to make the withdrawal but I don't agree. Santander's documentation shows Santander carried out the identification process using a card reader and chip and PIN. This means Mrs D's debit card was physically present. Mrs D confirmed the debit card is kept securely; making it very unlikely that a third party (including a member of staff in branch) used it to withdraw money from the account.

I appreciate Mrs D says she couldn't have withdrawn money as she was visiting her husband in hospital at the time. Mrs D has given us letters from the hospital and a volunteer to back this up. I don't doubt Mrs D visited her husband that day. But that doesn't mean she couldn't have gone to the bank as well. Mrs D lives within minutes of the branch which is also on the way to the hospital.

Mrs D's husband referred me to newspaper clippings concerning branch fraud at Santander. I need to consider the facts in this particular case rather than take account of branch fraud across Santander. I asked Santander whether there have been any reports of staff fraud in the branch where money was withdrawn. It says there were no reports for 2015/2016. I've no reason to question this so the clippings don't change my decision.

I noted the point Mrs D's husband made about the joint account being a five year fixed deposit account. He says this means Mrs D and Mr D didn't have any intention of withdrawing money early. I don't want to appear dismissive, but I checked this with Santander. It confirms the account is an instant access account with no fixed term. So I don't consider the "early" withdrawal means it wasn't made by Mrs D.

As Mrs D and Mr D didn't complain until nearly a year after the money was withdrawn, Santander no longer has any CCTV evidence. I can't criticise the bank for this. And I can't require Santander to produce the footage if it no longer exists.

Given the bank's evidence that Mrs D's debit card, PIN and passport were used in May 2015, I find it more likely than not that Mrs D withdrew the money from the joint account. I'm sorry if this comes as a disappointment to Mrs D and Mr D.

Mrs D and Mr D can of course reject my decision and pursue their complaint at court if they choose.

my final decision

My decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D and Mr D to accept or reject my decision before 19 December 2016.

Gemma Bowen
ombudsman