

complaint

Ms T complains about Metro Bank PLC's response to her request to assist in returning money sent to it from an account she held with another bank. She's unhappy with the steps taken by Metro Bank in allowing the money to be received into an account with it.

background

Ms T contacted Metro Bank because she'd had some money withdrawn from an account she held with another bank, C. She asked Metro Bank what it could do to help recover the money, and why it had allowed the receiving accounts to be opened or the money to be deposited. Metro Bank told Ms T she'd need to speak with C about what could be done to recover the money, and that it wasn't able to discuss the other matters with her.

Ms T says C told her she'd get reimbursed within 30 days, but that it took longer than this and she had to chase up the money, only getting a vague response from Metro Bank on both matters. She's complained about this, and expressed concerns over account opening and operating practices at Metro Bank.

Metro Bank has said it returned any money it held that belonged to Ms T within 30 days of being notified by C. And it's questioned whether we have the power to deal with a complaint from Ms T about its account opening and operating procedures in relation to a third party.

Our investigator explained that he couldn't deal with a complaint from Ms T about the accounts Metro Bank had opened for someone else. He didn't find any reason to think the bank should have refused to accept the payments being made. And he noted Metro Bank had suspended those accounts on hearing from C. The investigator was satisfied with the steps Metro Bank took to return any remaining money to Ms T. So he didn't recommend the bank take any further action.

Ms T remains unhappy that Metro Bank failed to identify potentially suspicious payments being made to – and withdrawn from – the receiving accounts within a short space of time.

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 realise Ms T feels very strongly about the matters she's raised, and of course I understand why that is. But for me to deal with her complaint, it has to arise out of matters relevant to a relationship that Ms T herself held with Metro Bank. That's set out in our scheme rules, under DISP 2.7.6R of the Financial Conduct Authority (FCA) Handbook. It could be argued that Ms T is a payment service user (or potential payment service user) of Metro Bank, although she didn't actually instruct the transfer. But I don't think such a relationship could reasonably extend to the opening of an account for a third party. That's a relationship that party holds with Metro Bank, not Ms T.

Regrettably, then, I have to disappoint Ms T in saying that I can't give her all the answers she's seeking. I can only look at whether there was any particular reason why Metro Bank shouldn't have allowed the payments, or if it unduly delayed returning the money that remained.

Having looked at both those aspects, I don't think there's any basis on which I could say Metro Bank acted wrongly, or unfairly towards Ms T. The fact the payments weren't picked up as suspicious doesn't mean Metro Bank failed to have suitable measures in place to guard against fraud. Not all such activity on an account as happened here is suspicious. And as far as I can see, the bank did return the money to C within 30 days of being notified, even though that timescale was given by C and not Metro Bank.

I'm conscious Ms T has also brought a complaint about C, which I've addressed as a separate matter. I hope that she'll understand from what I've said here why I don't consider Metro Bank is liable to compensate her for any money she's lost.

my final decision

My final decision is that I don't uphold those aspects of Ms T's complaint that I have the power to deal with.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms T to accept or reject my decision before 16 April 2018.

Niall F Taylor
ombudsman