

complaint

Mrs W, represented by her husband, complains Bank of Scotland plc (trading as Halifax) won't refund payments Mrs W made to gambling websites when she was ill.

background

Mrs W made many payments to gambling websites at a time when she was experiencing ill health. The medication she was taking for her illness has a number of side effects, including causing behavioural changes such as an urge to gamble. Shortly after the payments to the gambling websites started, Halifax's fraud department contacted Mrs W about them and she confirmed they were authorised. It did this twice more and each time Mrs W said the payments were authorised, because of this Halifax stopped referring the payments to Mrs W.

Our adjudicator didn't recommend the complaint should be upheld. He concluded Halifax had acted responsibly by contacting Mrs W about the payments when they started, and stopping them as soon as it was told about her illness.

Mrs W's husband says Halifax should be more sympathetic and refund all the payments on moral grounds, as another bank Mrs W uses has done. He also says Halifax should have contacted him about the payments because he and Mrs W also held a joint account with it.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so I have come to the same conclusion as our adjudicator for much the same reasons.

It's very unfortunate that Mrs W became ill and that her medication may have had such an unfortunate side effect. But I find that Halifax has done everything that I would reasonably expect it to do in these circumstances. As soon as it noticed unusual activity on Mrs W's account it contacted her. Mrs W told Halifax the payments were authorised and didn't tell it about her illness.

Mrs W had another account held jointly with her husband, but that doesn't mean Halifax should have asked her husband about the payments made from her own account. Halifax had no reason to ask anyone else about Mrs W's account until it became aware of her illness.

Halifax acted quickly once it became aware of Mrs W's illness and blocked further payments to gambling websites. I wish Mrs W well for the future and it's encouraging another bank has refunded similar payments she made when she was ill. But I find that Halifax hasn't done anything wrong and I cannot reasonably require it to refund the payments as Mrs W wishes.

my final decision

My decision is that I do not uphold this complaint.

Michael Ranaghan
ombudsman