

complaint

Mr A complains that Santander UK Plc allowed fraudulent payments to credit his account and further permitted his withdrawal of the money. He wants Santander to write off the debt and remove the adverse information on his credit file.

background

In February 2012, Mr A was offered a job that he had applied for online. He was told that, as part of the training process, he would receive payments into his bank account that he would need to withdraw and send to a third party. Shortly after he withdrew the money, Santander was told that the credits were fraudulent and returned the money to its rightful owners. This left Mr A's account overdrawn and as no payments were received towards the debt, Santander recorded adverse information on Mr A's credit file.

Our adjudicator did not recommend that the complaint should be upheld. He found that Santander only became aware of the fraudulent activity after Mr A had withdrawn the funds and therefore, was not in a position to prevent either the deposit or the withdrawal of the money. He also found that the bank did nothing wrong by returning the money to its rightful owners and recording the adverse information on Mr A's credit file.

Mr A's representatives responded to say, in summary, that Santander failed to identify the fraudulent transactions quickly enough and that Mr A believed the job was legitimate and could not be expected to recognise the scam for what it was.

my findings

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

I have seen the evidence from Santander that shows it did not become aware of the fraudulent transactions until after Mr A withdrew the money. Therefore, I cannot reasonably expect the bank to have prevented either the deposits or the withdrawals. I also find that Santander did nothing wrong by returning the money to its rightful owners. In addition, as Mr A's account remains in debt, Santander is obliged to reflect Mr A's financial position to the credit agencies and as the information reported is correct, I cannot order the bank to remove it.

However, I have seen the paperwork regarding Mr A's apparent job and I have no reason to doubt that Mr A believed it to be genuine. I sympathise with the fact that he appears to have been the victim of a scam but, nevertheless, I cannot conclude that Santander has done anything wrong. I note that Mr A has already reported the suspected criminal activity to the police.

my final decision

My decision is that I do not uphold this complaint.

Amanda Williams

ombudsman