

complaint

Mr S complains that Clydesdale Bank Plc didn't tell him his wife had been transferring and withdrawing large amounts of money from their joint savings account. He said if he had been contacted he may have been able prevent some of these transactions.

background

Mr S and his wife held a joint savings account with Clydesdale. Over a period of four months Mr S's wife withdrew all the funds in the account. When Mr S discovered this, most of their savings from the joint account had gone. Mr S didn't realise his wife could access all the money in the account and thought she was only entitled to access half of it.

Mr S complained to Clydesdale as he was concerned that it hadn't contacted him about any of these transactions. He thought that Clydesdale should've contacted him and if it had he may have been able to stop some of these transactions from happening.

Clydesdale says if unusual spending is identified or considered high risk it will attempt to contact one of the account holders to check the transactions are genuine. This happened on a couple of occasions; Mr S's wife was contacted confirmed the transactions as genuine. Clydesdale says the fraud department also spoke to Mr S's wife about some gambling transactions, and she said they were genuine.

Clydesdale says it was never aware of any dispute between Mr S and his wife. The accounts were held jointly and Mr S's wife had permission to use the funds without restriction. Therefore no claim can be raised for unauthorised use and this would now be a matter for the police.

Mr S wants compensation for not being told about the transactions. One of our investigators has already looked into this matter for Mr S and, whilst she was very sympathetic to the situation Mr S found himself in, she didn't think Clydesdale had done anything wrong so didn't recommend that it pay Mr S any compensation. Mr S asked for an ombudsman to review his complaint and it has been passed to me to consider.

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 do sympathise with the situation that Mr S finds himself in. But I'm not upholding his complaint against Clydesdale. I hope my explanation helps Mr S to see why I have come to this conclusion.

Mr S says he wasn't aware of his wife's activity on their accounts and therefore had no reason to alert Clydesdale to this or do anything different himself. And Clydesdale says it wasn't aware of any reason not to authorise transactions carried out by Mr S's wife.

But Mr S says that the transactions made by his wife were so large that Clydesdale should've contacted him, as well as his wife. He says Clydesdale should have realised, a lot sooner, that something was wrong and warned him about his wife's activities.

Clydesdale has told us that on a number of occasions the transactions that Mr S's wife carried out were flagged by its internal fraud systems. It says as a result of this it contacted Mr S's wife to check the transactions were genuine; she confirmed they were. I appreciate why Mr S feels he should've been contacted as well and I can see that if he had this may have prevented the transactions from continuing. But I don't consider that Clydesdale was under any duty to contact both parties. And Mr S's wife was an account holder, so if she confirmed she'd made the payments I can see why Clydesdale didn't feel it needed to do any further checks.

I also note that Clydesdale contacted Mr S's wife regarding the gambling transactions but again I don't think Clydesdale was under any duty to contact Mr S about these.

I know this is an incredibly difficult time for Mr S. There is a great deal of money involved and the circumstances in which it's been spent must be difficult to accept. But I hope Mr S can see how I've come to the answer that I have.

my final decision

For the reasons I've given I don't uphold Mr S's complaint against Clydesdale Bank Plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 18 April 2017.

Sophia Smith
ombudsman