

## **complaint**

Mr M complains National Westminster Bank Plc won't refund spending on a gambling website that he says he didn't make.

## **background**

In November 2015 Mr M contacted NatWest to query spending of over £900 made on (at least) one gambling website. The spending had happened between the end of September and the end of October. Mr M said he hadn't done this – or asked anybody else to do so.

NatWest wouldn't refund the money. It noted this was the third time Mr M had made claims of fraud for spending on gambling websites in a short period of time. And it seems he'd lost – or had stolen – his card several times as well. The bank said he hadn't complied with the terms and conditions of his account to keep his card and other account information secure.

Mr M wasn't happy with NatWest's response. So he contacted us.

One of our adjudicators looked into Mr M's complaint. But she didn't think the bank had done anything wrong. So she didn't recommend NatWest refund the money to Mr M.

The adjudicator noted that, based on information NatWest had got from the company operating the gambling website, it believed Mr M had authorised the transactions. They needed Mr M's card details to be confirmed. And it seemed very unlikely a fraudster would have been able to access Mr M's information and several of his cards.

Mr M suggested an old computer he'd had might have been compromised in some way. But the adjudicator didn't think this was likely. She also noted Mr M's online banking had been accessed several times during the four weeks in question – and it seemed odd he'd not noticed the money being spent.

But the adjudicator also noted the company operating the gambling website had indicated some of the transactions were carried out through an internet address overseas. While she thought this was a bit strange, she didn't think it was enough to outweigh the other information and evidence available.

Mr M didn't agree with the adjudicator's view. So his complaint's been referred to an ombudsman to review and issue a final decision on.

In summary, Mr M believes it's possible for his details to have been compromised and the adjudicator's sided with the bank. He'd got a letter from the police to say fraud had taken place and fraudsters' actions had been disrupted as a result of their investigation. He thinks it's for the bank to prove the spending was his – rather than the other way round.

## **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 can see Mr M feels quite strongly about what's happened here. That's clear from what he's said to the adjudicator. And that's not surprising. After all, there's quite a large amount of money involved. So Mr M's bound to be concerned about the loss.

At the start, it's important I reassure Mr M that we're not biased towards NatWest. We're impartial and don't take sides. Where we think a bank (such as NatWest here) has got something wrong, we'll tell it what we think it should do to put matters right.

But I'm afraid I have to tell Mr M that I agree with the adjudicator here. NatWest doesn't have to refund him any of the money he says a fraudster spent on a gambling website. Indeed there's very little I can usefully add to what the adjudicator's already told Mr M. I think she set out the position quite thoroughly and clearly.

My review of the bank's records shows Mr M has used his account for gambling transactions before and after this claim of fraudulent activity – and the two previous ones. So I'm satisfied Mr M uses these types of organisations and websites reasonably regularly.

Like the adjudicator, I don't think it's very likely that a fraudster would be able to get hold of Mr M's information and several of his cards – not unless he was very careless. And in this case, the account that was set up in Mr M's name with the gambling company was linked to his bank account.

So any winnings would be paid back into Mr M's bank account. There doesn't seem to be any real benefit to a fraudster – unless they had access to Mr M's bank account as well. And if that's the case, I'd expect the account to be emptied (or at least misused) over a relatively short period of time. That didn't happen. So I don't think a fraudster spent the money.

Mr M's referred to a letter from the police confirming a fraud has happened. What he's sent in doesn't say this. It's simply a letter acknowledging he's reported fraud.

I asked Mr M if he could send me more information about his old computer – both when he got rid of it and what made him think it might have been tampered with. Mr M didn't respond.

When I combine all the above, I think it's most likely that Mr M spent the money. If he didn't, then I think it could only have been carried out by somebody close to him that knew his information and probably with his knowledge or agreement.

I realise these are difficult messages to give. But it's what the available evidence points me towards.

Given how strongly Mr M feels about what's happened, he may want to take the matter further through other routes. But my decision brings to an end what we – in trying to resolve his dispute with NatWest informally – can do for him. I'm sorry to disappoint Mr M.

### **my final decision**

For the reasons I've given, my final decision is that National Westminster Bank Plc doesn't have to refund Mr M any of the money he says was fraudulently spent on a gambling website.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 6 June 2016.

Andrew Davies  
**ombudsman**