

## **complaint**

Mr J complains that Santander UK plc will not refund two cash withdrawals, totalling £280, which he says he did not make.

## **background**

Mr J says that his debit card was stolen during a night out. Two cash machine withdrawals, totalling £280, were subsequently made. Santander's automated fraud detection system identified that these were unusual transactions and tried to contact Mr J, initially without success. When he was reached the next morning he found that his debit card was missing.

When it investigated the withdrawals further Santander was not persuaded that a fraud had occurred. It refused to refund the money to Mr J. He was dissatisfied with this response, and with what he considered an inadequate investigation by Santander. In particular he questioned why the bank had not obtained CCTV from the cash machines involved to confirm who made the withdrawals.

Our adjudicator did not recommend that the complaint should be upheld. She concluded, in summary, that Santander had fully investigated the possible fraud and dealt with Mr J's complaint fairly and reasonably in deciding not to refund the money involved.

Mr J did not accept the adjudicator's conclusions. He said, in summary, that the adjudicator had made assumptions about what happened and questioned his honesty. He also questioned why she also had not insisted on seeing any CCTV evidence from the cash machines before reaching her view.

## **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 reviewed Santander's records to see what investigations it carried out before deciding to refuse Mr J's refund request. I find that it gave appropriate consideration to all of the circumstances, and am satisfied that it did investigate his claim thoroughly.

I note that the bank's fraud detection system picked up that the withdrawals were unusual, which is why attempts were made to contact Mr J at the time, but I do not find that this proves that Santander knew that the withdrawals were fraudulent. It wanted to find out more information before deciding whether this was the case.

I have also reviewed the reasons Santander has given for its decision to refuse to refund the money. These revolve around the specific circumstances, including that only one card was apparently taken from Mr J's wallet and that the subsequent withdrawals were not typical of what is usually seen when a fraudster is involved - the withdrawals were made over an extended period and the account was not emptied immediately. In addition, given that Mr J had made similar refund requests in the past it was not persuaded that he had taken appropriate care of his card and PIN, contrary to the terms and conditions for the operation of his account.

I find Santander's decision not to refund the money fair and reasonable in these circumstances. Based on the evidence presented I am not sufficiently persuaded that a fraud has occurred, and therefore cannot instruct Santander to refund the money.

Mr J has questioned why the bank, and also this service, have not obtained CCTV from the cash machines involved as part of the investigation of his complaint. As the adjudicator has already explained, if CCTV is available (and it often is not) it would only show who made the withdrawals but not whether, if they were made by someone else, this was with Mr J's authority.

### **my final decision**

My final decision is that I do not uphold this complaint against Santander UK plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 9 November 2015.

Malcolm Rogers  
**ombudsman**