

complaint

Mrs D complains that Santander UK Plc will not refund some disputed transactions.

background

In May 2015, 16 transactions totalling just over £1400 were made on Mrs D credit card. These were all made in the space of less than 24 hours and all to one gambling website.

Mrs D says that she did not make these transactions. She says that her son, who she describes as being vulnerable, allowed two associates into their house in the early hours of the morning. All three remained in his room which also contained the laptop which was used to access the gambling site and, as it turned out, Mrs D's purse containing her card. Mrs D accepts that the gambling account used was her own but cannot explain how a third party managed to access it without her details.

When Mrs D complained to Santander, it said that it would not be refunding the money to her so she brought her complaint to this service.

Our adjudicator did not think that she could ask Santander to refund the money either so Mrs D asked for an ombudsman's decision.

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 have to tell Mrs D that, broadly speaking, I agree with the adjudicator here and think that she has arrived at the right outcome. So, I will not be asking Santander to reimburse this money to her.

Mrs D says that she did not authorise these transactions and she relies on the following submissions in support of her argument:

- The card had never been used for such transactions prior to this day;
- That another could have accessed her gambling account and placed the bets;
- That no bet was successful so no gain to herself;
- That a second card which was also compromised that night has been refunded;
- That Santander, having been alerted to unusual activity on her card, failed to protect her by allowing the transactions to continue;

Santander accepts that its security system was alerted to the usage on the card in the early hours of the morning and it attempted to contact Mrs D. Text messages were sent but it received no response. Mrs D says that this was because she was asleep.

But Santander continued in its attempts until the afternoon of that day – when the transactions were continuing. But still Mrs D does not seem to respond to them. She says that this was because of the pressure that she was under from the presence of these individuals in her house.

When asked by this service to explain how the day time transactions had occurred – Mrs D said that her son and the two visitors remained in his room throughout the day. She did not feel that she could ask them to leave.

Mrs D says that her cards and purse are normally locked in her car in her bag overnight as her son has a tendency to destroy things. On this night, she says that she had forgotten and must have left them in the house somewhere which made them easily accessible. That may explain unauthorised access to her cards but I am afraid that I cannot see how another would be able to gain access to her gambling account without her secure details. And I remind myself that when Mrs D first contacted Santander to complain, she told its advisor that she did not subscribe to any such websites.

So, I am afraid that I think Mrs D or someone close to her, to whom she had provided her details to, made these transactions. Either way, I find that they were authorised.

In the circumstances, I cannot fairly ask that Santander refunds this money to her.

my final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D to accept or reject my decision before 1 September 2016.

Shazia Ahmed
ombudsman