

complaint

Ms R and Mr T have an account with Barclays Bank Plc. They complain that Barclays will not reimburse them money they paid into another of its customer's accounts. The money was to pay for a car their daughter, Miss T, had agreed to buy. They later found out she'd been the victim of fraud.

background

Miss T agreed to buy a car, which was overseas. The seller asked her to pay for it via a third party, who would hold the money until she had seen the car and was happy with it. The third party banked with Barclays.

Miss T gave her mother the cash for the car. Ms R intended to pay the cash into her and Mr T's joint Barclays bank account and then ask the bank to transfer it to the third party's account. But the bank's staff said that she could just pay it directly into the third party's account, which is what she did. This was on a Friday.

On the following Tuesday Miss T was told that the shipping company hadn't received the money. So the next day Ms R contacted the bank to check the money had been paid into the third party's account. The bank said it had. But Miss T couldn't contact the seller. On the Friday (seven days after the money had been paid in) Ms R reported the fraud to Barclays. It said the account was already under investigation for fraud. But ultimately it said this was a buyer/seller dispute and it couldn't assist Ms R, Mr T or their daughter.

Our adjudicator didn't uphold the complaint. She said, in summary, the third party would have received the money within minutes as it was a cash deposit. Barclays was not required to recover the money or to refund the payment to Ms R and Mr T. She explained we are not a regulator but they could report their concerns to the Financial Services Authority (FSA) – now the Financial Conduct Authority.

Ms R and Mr T initially accepted the adjudicator's conclusions. They did refer their concerns to the FSA, which noted them. But they have also asked for an ombudsman to review their complaint.

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 am sorry to learn that Ms R and Mr T's daughter was the victim of fraud. The issue I need to decide is whether Barclays should compensate them.

Like the adjudicator I don't consider Barclays is responsible for the loss here. It couldn't reasonably have done anything to help Ms R and Mr T. The money they paid into the third party's account was withdrawn the same day. And I am satisfied Barclays wasn't aware of the potential fraud at that time.

I cannot reasonably conclude that Barclays should reimburse Ms R and Mr T (or their daughter, who sadly suffered the loss).

my final decision

My decision is that I do not uphold this complaint.

Amanda Maycock
ombudsman