

## **complaint**

Mrs K complains that Bank of Scotland plc didn't treat her fairly when she told it that someone had stolen money from her joint account. Mrs K says she found the experience traumatic. Mrs K wants the bank to pay more compensation than it has offered to date.

## **background**

In July 2013, Mrs K opened a joint account with her father, Mr W, at Bank of Scotland. She deposited a sum of money that was intended for her father's funeral expenses.

In October 2013, Mrs K went online to view the account. She saw that someone had made two withdrawals of £300, a week or so after the account opened.

Mrs K told the bank that neither she nor her father had withdrawn any money. The bank told her that as the withdrawals had been made from a local cash machine, it was not prepared to treat them as being fraudulent.

Mrs K was unhappy with the bank's decision and a few months later, she reported the alleged theft to the police.

The police investigated the allegations. But later in 2014, a third party told Mrs K that a local postal worker had been found with stolen cards in his possession. The bank then agreed to refund the money and offered to pay Mrs K £270 compensation.

Our adjudicator didn't recommend that Mrs K's complaint should be upheld as the bank had already refunded the money. And our adjudicator considered the offer of compensation was fair and reasonable in the circumstances.

Mrs K is unwilling to accept the bank's offer. She says she was put through a great deal of stress as a result of the bank's unwillingness to believe her when she told it she hadn't withdrawn the money.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Mrs K has given us a very clear picture of what happened when she discovered the money had been withdrawn. I agree that Bank of Scotland could have done more when Mrs K reported the theft. I can appreciate that Mrs K felt the bank didn't believe her version of events and this must have been upsetting. But it isn't the role of this service to punish the bank. I need to consider what Bank of Scotland should do to put Mrs K back in the position she would have been if it hadn't let her down.

Mrs K says she didn't know the account came with a cash card. She wasn't expecting to receive the card in the post. And this meant Mrs K didn't chase the bank when nothing arrived. The bank has a record of sending out a cash card and pin. When someone withdrew money at a local cashpoint, I don't find it unreasonable of the bank to assume at the time that it was likely to be either Mrs K or the other account holder. Only two withdrawals were made and the amounts were not unusually large.

The bank eventually refunded the stolen money in August 2014. Even if the bank had done more to investigate Mrs K's allegations at the time, I am not persuaded that it would necessarily have decided to refund the money sooner than it did. I say this as Mrs K didn't find out about the thefts by the local postal worker until June 2014. It was this discovery that led to the bank refunding the money two months later.

Some of Mrs K's upset appears to have been caused by her dealings with the police. Bank of Scotland can't be held responsible for the conduct of the police investigation. In a case involving an allegation of fraud, the bank and police might have to ask a customer some difficult and sensitive questions. This might naturally upset a customer but that doesn't mean the bank was wrong to question Mrs K's version of events at the time.

The bank accepts that it didn't handle Mrs K's complaint as well as it could have. But I am satisfied that as the bank has already refunded the stolen money, its offer to pay £270 for Mrs K's trouble and upset is fair and reasonable in the circumstances.

### **my final decision**

My decision is that I don't uphold this complaint in the sense that I consider the bank's offer to pay £270 compensation to be reasonable in the circumstances. If Mrs K wants to accept this offer, she should contact the bank.

As the bank account in question is held in joint names, under the rules of the Financial Ombudsman Service, I am required to ask Mrs K and her father, Mr W to accept or reject my decision before 8 July 2015.

Gemma Bowen  
**ombudsman**