

complaint

Mr A complains that Barclays Bank UK plc closed his account without warning and placed a CIFAS marker against his name. CIFAS is the UK's fraud prevention agency.

background

In June 2017 two credits were paid to Mr A's account with Barclays. They totalled £3,100. On the same day there were two successful cash machine withdrawals totalling £500, as well as other failed attempts to withdraw cash, make card purchases and obtain an account balance.

Barclays identified that the credits paid into Mr A's account were fraudulent. The holders of the accounts from which they'd been made hadn't authorised them. Barclays closed the account and placed a CIFAS marker against Mr A's name.

Mr A said he was abroad at the time and that he knew nothing about the payments into the account or the cash machine withdrawals. He thought it was unfair that Barclays had acted in the way it had.

Mr A referred his complaint to this service, but our investigator agreed with Barclays. He noted that whoever made the withdrawals would have needed Mr B's genuine card and PIN, but the card hadn't been reported as lost or stolen. Even though Mr B suggested his card had gone missing, there was no explanation as to how anyone else could have known his PIN.

The investigator also noted that, around the time of the transactions, there were a number of successful log-ins to Mr B's account, both by mobile app and online. He explained that a significant amount of information would have been needed to do that and concluded that the account was being monitored at the time the transactions were being made.

The investigator concluded that the withdrawals hadn't been made by someone who stole the card or found it by chance. Either Mr A made them or worked with someone else who made them.

Mr A didn't accept the investigator's findings and asked that they be reviewed by an ombudsman.

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 however reached broadly the same conclusions and for similar reasons.

Indeed, there isn't a great deal to add to what the investigator said. The cash machine withdrawals were made using Mr A's genuine card and PIN. It wasn't until after the disputed payments that Mr A suggested he'd lost the card, but there's no reasonable explanation as to how anyone could have found out the PIN.

Accessing the account online would have required use of the bank's PIN sentry system, which would in turn require the genuine card and PIN or use of the bank's mobile app on a device registered to the account. Alternatively, it would require a password and memorable information.

Use of the mobile app would require the device used to be registered and verified, again using the PIN sentry device and codes. It's likely whoever was monitoring the account was also involved in the cash machine withdrawals. I think it's very likely in the circumstances that Mr A was far more involved than he has said.

I accept that Mr A may not have made the transfers to the account himself, or made the withdrawals. He may not have benefited, and it's possible he was an unwitting victim; he's hinted that he was. But I share the investigator's view that he must have been aware of what was happening and helped to facilitate it.

I also share the investigator's view that, in the circumstances, Barclays had enough evidence to make a formal complaint to the police and that it was therefore, not inappropriate to place a CIFAS marker against his name.

my final decision

My final decision is that I don't require Barclays Bank plc to do anything further to resolve Mr A's complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 25 October 2019.

Michael Ingram
ombudsman