Financial Ombudsman Service

complaint

Mr R complains that Barclays Bank PLC won't refund a payment made by mistake to the wrong person.

our initial conclusions

Our adjudicator thought Barclays had acted fairly and done everything she'd expect to help Mr R get his money back. It had contacted the bank where his money had been sent – but the person who'd got the payment hadn't responded to enquiries about this. Barclays told Mr R he'd need to take the case up directly with the person who had his money – and if necessary, go to court. But Barclays agreed that it hadn't handled Mr R's complaint as well as it should've done. It offered him £100 compensation for this. Our adjudicator recommended settling the complaint on this basis.

Mr R feels this isn't fair and he's asked for an ombudsman to review what's happened.

my final decision

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I agree with the adjudicator. And I find Barclays' payment offer is fair and reasonable. Barclays can't remove money from a person's account at another bank – and the other bank can't do this either without the account holder's permission, which it hasn't been able to get. So it's now up to Mr R to take further action.

Mr R blames Barclays for the payment error. But payment was made using a machine that customers use in the bank. Barclays says Mr R used the machine himself. That's not what Mr R recalls. But, even if Mr R had help from branch staff, it was still *his* responsibility to check payment details were correct. So I can't uphold his complaint on this basis.

My final decision is that I don't uphold Mr R's complaint. I simply leave it up to Mr R to decide if he wants to accept the offer made by Barclays Bank PLC to pay him £100.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr R either to accept or reject my decision before **18 February 2016.**

Susan Webb

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.