

Complaint

Ms J complains that fraudsters have gained access to her accounts with Nationwide Building Society and standing orders she's said up haven't been paid correctly. She's also unhappy Nationwide haven't updated her account details properly or released funds which are due to her. And she'd like these refunded.

Background

Ms J has three bank accounts with Nationwide.

In 2018 Ms J contacted our service and raised a number of concerns about her accounts with Nationwide.

In summary Ms J said that:

- Nationwide were holding on to her money in a suspense account.
- She'd received a high number of replacement cards in recent years which she didn't order.
- The standing orders set up on her account didn't credit.
- There are people listed on her account who she isn't aware of.
- Her account shows up in her late mother's name.
- Nationwide failed to update her address; and
- She's never registered for online banking.

Nationwide looked into Ms J's complaint and said that looking at Ms J's three accounts there had never been any regular payments set up. And Ms J had referred to standing orders being set up on one of her accounts in 2011, but this account wasn't open at that time.

Our investigator looked into Ms J's complaint. But, and I appreciate this wasn't the outcome Ms J was looking for, concluded that Nationwide didn't need to do anything further here. In summary our investigator said:

- Ms J has three open accounts with Nationwide, all of which had funds available to Ms J in November 2018.
- The evidence doesn't indicate the debit cards were ordered by a third party.
- There's no record of any standing orders set up on Ms J's accounts or a third party being added without authorisation.

- On balance it seems unlikely a fraudster could have gained enough details to register for Ms J's online banking.
- Ms J's current address was recorded on bank statements from 2008 onwards.

Ms J didn't accept our investigator's view and said that because of the family matters that were taking place at the time, she only found out about the debit cards in 2018 when she was looking through her Mother's things. Her personal details had been lost in 2007 through a government agency, and her mobile phone was out of her possession on two occasions therefore anybody would have been able to obtain her identification details and pass security. Ms J explained that Nationwide told her that her cards were cloned and her money was in a holding bay.

Mr J also provided evidence of statements showing standing orders leaving her Nationwide account.

Our investigator reviewed Ms J's comments but didn't change her opinion. In summary she explained that Ms J's statements don't show any funds are being held by Nationwide and if Ms J hadn't received the cards she claims she wouldn't have been able to use the debit card in her possession. Our investigator added they were surprised Ms J didn't notice for such a long period of time considering Ms J had explained this was her main current account.

On reviewing the statements, our investigator agreed that standing orders had been made from Ms J's account, but explained she couldn't hold Nationwide liable if they didn't arrive as expected. And this would be something Ms J needs to take up with the recipient banks.

Ms J didn't accept our investigator's view – and made a number of points in response. I won't detail all of Ms J's points, but in summary she explained that she hadn't given access to her accounts to anyone, her husband used to work in finance and she was advised by Nationwide that she would be refunded her money within seven days.

As Ms J didn't accept our investigator's view it's been passed to me for a 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. And in doing so I've reached the same conclusions as our investigator for broadly the same reasons, which I appreciate will come as disappointing news. I'll explain why below.

Withholding of funds:

Ms J's explained that she believes Nationwide have been withholding her funds and won't release these to her. Ms J has three open accounts with Nationwide and at the time of her complaint to the bank in 2018 I can see that all three accounts have balances available to Ms J – I've not seen any evidence that Ms J couldn't withdraw these. Ms J explained that a member of Nationwide staff informed her that her money was in a holding bay – but I've not seen any evidence to support this. Overall, I can't conclude Nationwide are holding on to Ms J's funds.

Receiving new cards and Online banking:

Ms J's unhappy that she's received a number of replacement cards for her accounts which she didn't order. I've looked at the evidence provide by Nationwide and I can see a high number of cards were ordered for two of Ms J's accounts. One of the two accounts was a joint account with Ms J's Mother. I can see that according to the records these cards were ordered for a variety of reasons including the previous card being lost or stolen.

I've thought about how a third party could have ordered the cards without Ms J's knowledge or consent. Nationwide have explained that to re-order a new card an individual would need to pass security. This means that anybody claiming to be Ms J would have needed to know a significant amount of detail about her. I've followed the same thought process for Ms J's online banking, which Ms J's disputing that she carried out the initial registration for, but to register for online banking a fraudster would also need a substantial amount of information about Ms J. Plus Nationwide have advised that a fraudster would also have needed access to either Ms J's email address or phone number to

receive a code. Nationwide have shown that they hold the same mobile number and email address that Ms J's shared with our service. Ms J has provided a number of explanations for how her details could have been lost. But, I've not seen any evidence that money was transferred out of Ms J's account – which is what I'd expect if a fraudster did gain access to Ms J's online banking. And, on balance, I think it's more likely that Ms J has forgotten that she did so.

I've also thought about the length of time before Ms J raised her concerns about the cards. Firstly, the evidence indicates the cards would have been sent to Ms J's home address – I appreciate she explained she was caring for her Mother at the time, but considering the volume of cards she's claiming she didn't notice, I still find it unlikely that they weren't noticed sooner. And secondly, considering as Ms J's explained this was her main account, that she was able to use her debit card throughout this time. Nationwide have explained that once a card is reported as lost or stolen – which was the case most of the time when the cards were ordered – the card would be cancelled immediately. This means Ms J's debit card would have stopped working, and I'd have expected her to notice and contact the bank.

Standing Orders:

Ms J's provided evidence that she had standing orders leaving her accounts with Nationwide, but she explains they didn't credit the intended accounts. Ms J agrees that she set up the orders – and therefore instructed Nationwide to make the payments. Nationwide have a responsibility to act on instructions given by their customers. And I've not seen any evidence that Nationwide didn't process the payments as Ms J directed. If the payments didn't credit the accounts Ms J expected, then this is something that's best for Ms J to raise with the receiving banks.

Account details:

Our investigator's given explanations for why Ms J's late mother appeared on her account statements until recently and other names were present. And I agree with our investigator's thoughts on this. I realise it's likely distressing for Ms J to see her late Mother's name

appearing on joint bank statements she has with Nationwide, when she's passed away, but without Nationwide being notified they wouldn't be aware of the need to remove her from the account. Therefore I can't hold the bank responsible for this.

I've also considered Ms J's point about her address not being amended on her bank statements. But I'm afraid I can't agree with her here. I can see that Ms J's address was changed to her current residence in 2008. Therefore I can't see any evidence her address wasn't updated.

I realise this will be disappointing and frustrating to Ms J but I haven't seen sufficient evidence to conclude a fraudster has gained access to her accounts or that Nationwide are holding on to her funds. Therefore, I won't be asking Nationwide to do anything further here.

My final decision

My final decision is I don't uphold Ms J's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to Ms J to accept or reject my decision before 16 January 2021.

Jeff Burch
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