

complaint

Mr T complains TSB Bank plc didn't help him when he was trying to get money repaid to him.

background

In August 2015 Mr T used a gambling website and made a number of transactions. He spent the equivalent of £3,642. According to the casino site he used, he won money. When he tried to get this money repaid to him, he was never able to get the casino to respond to him. He complained to TSB as he'd used his debit card to make these transactions.

TSB didn't chargeback the money so Mr T brought his complaint to the ombudsman service. Our adjudicator asked TSB to make the chargeback but they refused. After reviewing the evidence he asked TSB to pay back the money Mr T had spent, along with 8%. As Mr T had had difficulty getting the service he wanted from TSB which had made him frustrated, TSB were asked to give him a further £100.

TSB didn't believe they'd done anything wrong so want an ombudsman to review the complaint.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

There's no dispute Mr T spent £3,642 on an overseas casino website. And I've seen the correspondence from the casino agreeing to pay his winnings. Unfortunately there's no evidence to show exactly how much this was.

Mr T asked TSB to use the chargeback scheme to see whether he could get his money back. There are a number of reasons a bank, on behalf of its customer, can challenge a payment made on a debit or credit card. This is called charging back the original transaction to the company who received the funds. The rules for chargeback are run by the global card schemes. They cover the relationship between themselves; the banks that give debit and credit cards to their customers; and those banks allowing companies to accept card payments.

Many customers are not aware they can ask for a chargeback but they often ask their bank to help get money back when something's gone wrong.

The chargeback rules are complex and numerous. But we generally expect a bank to process a chargeback unless there are clear reasons why it wouldn't be successful. And one of the foolproof ways of finding out whether a chargeback would be successful is by processing one. This is what our adjudicator asked TSB to do. I'm surprised TSB felt they couldn't intervene and I've seen no evidence of which card scheme rule which they think stopped them from taking further action.

The rules do allow a refund to be requested where either the goods or services are not received or where they are defective or not as described. I don't believe there's any reason to doubt a key part of the gambling contract would have been to pay winnings and there's no

doubt the company Mr T paid didn't do that. I'd therefore have expected TSB to make a chargeback on Mr T's behalf.

As we are now out of time to get a chargeback processed, I believe the fair outcome is for TSB to repay the full amount Mr T spent. If there was another option – for example a clear indication of what the actual winnings were – I may have asked TSB to repay that amount.

I can see Mr T got very frustrated with TSB. Whilst I understand he was angry, I don't think the language he used in his emails helped. I've seen TSB gave Mr T £50 for the inconvenience they've caused and overall I believe this is enough.

my final decision

For the reasons I've given, my final decision is to instruct TSB Bank plc to pay Mr T £3,642 along with 8% simple interest from the dates in August the money came from his account to the date of settlement.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 7 March 2016.

Sandra Quinn
ombudsman