

complaint

Mrs R complains Santander UK plc allowed money to be taken out of her account without her authority.

background

Mrs R says she made a card payment to her organisation I'll call L for £1,000. At that time she gave L her card details, however further card payments were taken without her authority. Also a standing order and a direct debit were set up on her account which she didn't authorise as she had made arrangements to pay the money via her card. A direct debit payment was taken and - following her request to Santander - was returned. A standing order payment was also returned.

She also says that Santander has been unable to provide any information or documentation showing how or when these were set up despite numerous requests for it to do so.

As a result of the standing order payments being taken in March and April and the direct debit payment in April, she incurred a £3 arranged overdraft usage fee on 15 April. On 16 May 2014, she incurred an arranged overdraft usage fee of £20 along with a £5 unarranged overdraft usage fee. Santander has refunded these fees as a gesture of goodwill.

The adjudicator did not recommend the complaint should be upheld. In her view the evidence suggested Mrs R had set up the standing order and she wasn't persuaded Santander had done anything wrong when the direct debit was set up or payments were debit from Mrs R's account by L.

Mrs R says she wants to see proof she authorised the various transactions. She has asked for an ombudsman's decision.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Where the evidence is incomplete, inconclusive, or contradictory (as some of it is here), I reach my decision on the balance of probabilities - in other words, what I consider is most likely to have happened in light of the available evidence and the wider circumstances.

Mrs R hasn't denied she owed L money or asked me to order any money paid to L be returned. Her complaint against Santander is that she has incurred charges as a result of the money debiting her account and she has been given no explanation with proof about how this happened.

Mrs R would like to see proof she set up the standing order. As the adjudicator has explained Santander isn't required to have written instructions to create a standing order. In this case the evidence shows the standing order was set up in a branch. Santander's processes require that it obtain proof of the customer's authorisation - for example by seeing identification - before setting up the standing order but it isn't required to keep copies. The details of the account to be paid would also have had to be provided. Given Mrs R hasn't said she didn't owe money to L, on balance, I consider that it is most likely Santander set up the standing order following Mrs R's request.

Direct debits are set up by the organisation which receives the money. Santander isn't given a copy of the direct debit mandate required to set up the direct debit. But – as the adjudicator explained - as the direct debit was set up on behalf of L it should have the mandate. Like the adjudicator, I consider I have seen no evidence that Santander did anything wrong.

The card payments made to L required L to provide Santander with the three digits on the back of Mrs R's card. Santander's records show each time a payment was made L provided these digits. Again I consider I have seen no evidence that Santander did anything wrong.

I appreciate this will come as a disappointment to Mrs R. But if she didn't authorise the card payments and direct debits she needs to take this up with L and, if appropriate, an ombudsman scheme to which it is subject.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs R to accept or reject my decision before 28 May 2015.

Nicola Wood
ombudsman