

## **complaint**

Mr G complains Bank of Scotland plc, (trading as Halifax), won't refund £7,000 taken out of his new account. He never received the card or PIN used to withdraw all the money.

## **background**

Mr G opened an account with Halifax on 4 April 2017. He deposited £7,000 into the account on 6 April 2017. Between 10 and 12 April 2017 a number of branch and cash machine withdrawals took place and a total of £7,000 was withdrawn. Mr G notified Halifax of the unauthorised transactions a few days later.

When Halifax investigated Mr G's complaint it found that the transactions were made using the genuine card and correct PIN. Halifax said a balance enquiry was made on the account on 10 April before the first withdrawal and there were no further balance enquiries. Even before the final withdrawal of £200 was made.

Halifax says this indicates that the person who withdrew the money was fully aware of the balance and prior transactions. Had it been carried out by an unknown third party, Halifax couldn't explain how that person knew only £200 remained in the account.

Halifax didn't think it likely that Mr G's post had been intercepted. As banks do, the debit card and PIN were sent separately.

Halifax didn't think it had made an error but offered £75 as it hadn't kept Mr G up to date about what they were doing with his complaint.

Mr G wasn't happy with Halifax's response and referred his complaint to this service. The adjudicator didn't think Halifax should refund the money.

The adjudicator couldn't see how an unauthorised third party would have got hold of Mr G's debit card and PIN.

The debit card and PIN were sent separately on different days. And were sent to an address Mr G shared with another family member. Post is sent to a letter box in the front door. Mr G said no-one else was aware that he'd opened an account with Halifax or that he was expecting to receive a new debit card or PIN. And no-one was aware of the monies he'd deposited in the account.

Mr G asked for an ombudsman's final 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.

I won't be upholding Mr G's complaint. I realise this will be a disappointment for Mr G.

Mr G deposited a large amount of cash after opening his new account online. He'd sold an expensive item privately. Halifax did ask for evidence of this sale but Mr G was unable to provide any.

Mr G says that he never received the debit card or PIN for the new account he'd opened. I can see that this service checked with the Royal Mail to see if there were any reports of post going missing in Mr G's postcode. The Royal Mail wasn't aware of any issues.

Based on the evidence I've seen I think it's unlikely that Mr G's post was intercepted resulting in a third party gaining access to the account. As is normal procedure, Halifax sent out the card and PIN in separate unmarked envelopes on different days. Mr G doesn't share a letter box and there seems little opportunity for these two pieces of post to have been intercepted. I see no reason to doubt what the Royal Mail has told us. I accept cards and PINs do get intercepted but on balance this isn't what I think happened here.

Halifax has also shown there was only one balance enquiry completed before any withdrawals were made from Mr G's account. If a fraudster did have Mr G's card and PIN, I'd have expected further balance enquiries to be completed before later withdrawals. Otherwise how would the fraudster know the original deposit – minus the withdrawal they'd made – were the only transactions? Generally fraudsters try and withdraw funds as soon as possible to limit the opportunity for the genuine account-holder to notice what was going on. I also wouldn't really have expected a fraudster to use the same branch to withdraw any of the cash to minimise the chances of being caught.

I've noted Halifax don't have any CCTV evidence either from within the branches or from the cash machine. But overall I don't think this would have made any difference to my decision.

Based on the evidence, I don't believe it would be fair to ask Halifax to refund the money taken from Mr G's account.

### **my final decision**

My final decision is that I am not upholding Mr G's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 11 October 2017.

Michelle Hayward  
**ombudsman**