

The complaint

Mr H complains about the level of customer service he received from Barclays Bank UK PLC ('Barclays').

What happened

Mr H says that a transaction for £12.90 showed as pending on his account from 3 September 2022 to 21 September 2022, then vanished. Mr H contacted Barclays about this payment on 21 September 2022 and again on 22 September 2022. But he wasn't given any explanation about what happened to this transaction. Mr H claims that Barclays stole his money and didn't carry out a thorough investigation regarding his concerns.

In March 2023, Mr H brought a complaint to our service due to his dissatisfaction with the lack of response from Barclays. As part of his complaint Mr H raised the following points:

- £12.90 was taken from his account fraudulently.
- Barclays' treatment of him in relation to that £12.90 payment has affected his mental health and wellbeing.
- During his online chat with Barclays on 21 and 22 September 2022, he was subject to their lies, deviousness, abuse and utter disrespect.
- He did a Freedom of Information Request (FOI) for the chat transcript but didn't receive it.
- Barclays are trying to cover up the fact that they fraudulently took £12.90 from his account.

As a result, Barclays issued a final response letter to Mr H. Barclays say there were three transactions made in September 2022 to the same payee, for the values of £12.90 x 2 and £13.90 (these debited Mr H's account on 5 September). Barclays say it's unclear which of the £12.90 transactions Mr H's concerns related to, so they refunded him £12.90. Barclays upheld Mr H's complaint regarding the poor level of service he received and paid him £50 for his distress and inconvenience.

Mr H wasn't happy with Barclays' response, so an investigator looked into his concerns.

The investigator explained that as Barclays were unable to talk to Mr H when he complained in 2023, they refunded him £12.90. The investigator didn't believe that Barclays intended to cause Mr H any distress by paying the £12.90 and £50 into his account without his consent. And, that the payment of £50 was fair in the circumstances. Ultimately, the investigator didn't uphold Mr H's complaint.

The investigator told Mr H that Barclays is unable to locate a copy of the chat it had with him on 21 and 22 September 2022. And, if Mr H hasn't received the information he believes he's entitled to under the FOI request, he should raise a complaint with the Information Commissioner's Office (ICO).

Mr H didn't agree with the investigator's opinion, raising a number of points including:

- What is relevant in his complaint is that money sat pending in his account from 3 September 2022 until 21 September 2022 – at which point it vanished.
- Barclays didn't carry out a thorough investigation and in the last nine months hasn't made any attempt to work with him to find a resolution to his issue of the pending transaction, which he says is because Barclays stole his money.
- He was out of pocket for nine months due to not having the £12.90, which he says was due to Barclays being vindictive, not due to a mistake on Barclays' part.
- Barclays are lying in saying they can't find the chat transcript from September 2022.
- Barclays paying the money into his account without his consent is diabolical, sneaky and underhanded.

Mr H asked for an ombudsman to review his case, saying that the payment of £50 is derisory.

Having reviewed Mr H's case, I asked the investigator to get in touch with Mr H to request some further information regarding the payments he made in September 2022. In response Mr H confirmed:

- He made a purchase of a DVD for £12.90, and then later the same day bought another one for £13.90 – with the same seller. The following day he tried to purchase a third DVD, but the purchase didn't go through.
- Mr H contacted Barclays when the third payment didn't go through and was told nothing was wrong on their end, but that the seller might've been blocking the payment. However, several hours later Barclays told Mr H they had stopped the third payment. At this point Mr H says he didn't want to proceed with the transaction, but a few days later the debit came out of his account.
- Mr H feels Barclays stole £12.90 from him.
- Mr H also wanted to highlight the impact that this situation has had on him and his mental wellbeing.

As the case couldn't be resolved it was passed to me to review.

What I've decided – and why

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

Having carefully considered all of the information from Mr H and Barclays, and I've reached the same outcome as the investigator. I'll explain why.

Where there is a dispute about what happened, and the evidence is incomplete or contradictory, I've reached my decision on the balance of probabilities – in other words, on what I consider is most likely to have happened considering the available evidence.

Unfortunately, Barclays are unable to provide the online chat they had with Mr H in September 2022, which would have made it easier to understand what concerns were raised and what they did in response.

From what I've seen, I think it's most likely that Mr H only made two transactions, one for £12.90 and one for £13.90. And that it's more likely than not, that the third payment either went through in error or Mr H was told it hadn't gone through – when it had. In which case, Mr H was out of pocket for £12.90 from September 2022, until September 2023 when

Barclays refunded him in response to the complaint he raised. On that basis, I think it's more likely than not that Mr H has been put back in the position he should've been in, if he only made two payments as he says. Although, I accept he has been without the use of that money for a period of 12 months, which I'll address later.

Mr H's concerns with regards to the information he has received from Barclays in relation to his FOI request, should be raised with the Information Commissioner's Office (ICO). I can't make a finding or ruling in relation to what Mr H was entitled to receive vs what he did receive. I can consider whether Mr H has received poor customer service in relation to their handling of his request, and I'm not satisfied that I can fairly reach that conclusion. So I'm not making an award in respect of that matter.

Mr H believes that Barclays stole £12.90 from him, however I haven't seen any evidence that suggests this was the case. I think it's possible that a payment of £12.90 was taken from his account, that Mr H either didn't make or was told hadn't gone through. However, I think it's more likely than not that money would've been paid to the seller who was referenced on the payment and was the same person Mr H had paid for the two DVD's, as opposed to Barclays having taken funds from his account fraudulently. And, Barclays have resolved that by refunding Mr H the £12.90.

I have carefully considered the impact on Mr H of not having the £12.90 for a period of 12 months. However, having reviewed Mr H's bank statements, I'm not satisfied that Mr H was seriously impacted financially by not having these funds. But, he was without the use of the funds, and I think it's more likely than not that Barclays should've made the refund 12 months earlier. In that situation, we would usually award 8% simple interest per year on the refund from the date the payment left Mr H's account until the date it was refunded – which is a refund of less than 10p.

As I can't see the chat between Mr H and Barclays, it's difficult to comment on the level of customer service that Mr H received from Barclays in relation to the £12.90 in September 2022. I can't see whether they identified what the problem was and whether they handled it appropriately in response. But, I think it's more likely than not, a proper understanding of Mr H's concerns and the situation would've resulted in an earlier refund, so I think Mr H has been caused unnecessary trouble and upset.

I appreciate that Mr H believes compensation in this case should be substantial, and I'm sorry to hear of the impact this has had on his mental wellbeing.

However, I'm satisfied the £50 Barclays has already paid him is fair. I say this taking into consideration:

- Mr H wasn't seriously impacted financially by not having the use of the £12.90 for 12 months.
- I haven't seen the online chat Mr H had with Barclays, so I can't comment on or make an award for the poor service Mr H says he experienced during that contact as there is no evidence of what was said by either party.
- The small amount of interest that would've been payable if I had awarded interest on the £12.90 refund.
- I'm not satisfied that I can fairly conclude that Barclays stole money from Mr H, and I haven't seen any evidence that they have acted dishonestly in their dealings with him.
- I don't agree with Mr H that Barclays have acted dishonestly or poorly by paying the refund of £12.90 and compensation of £50 into his account without talking to him

first. I think Barclays acted reasonably by making the payment and refund as soon as they realised it was appropriate to do so – which is what I would expect them to do.

I'm sorry to disappoint Mr H, but I can't fairly uphold his complaint.

My final decision

My final decision is that I don't uphold this complaint against Barclays Bank UK PLC.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 8 February 2024.

Lisa Lowe
Ombudsman