

The complaint

Miss F complains that Barclays Bank UK Plc have held her liable for withdrawals from her account that she says she didn't make or otherwise authorise.

What happened

The detailed background to this complaint is well known to both parties. So, I'll only provide a brief overview of some of the key events here.

Miss F disputes three ATM withdrawals that debited her account on 7 April 2023. The withdrawals took place in quick succession and shortly after 5.00am. They were for £200, £50 and £50.

It appears that a claim was raised for these amounts twice and on each occasion Barclays temporarily credited Miss F's account with the £300, before later removing it again after their investigation. Miss F is adamant she didn't make the withdrawals and complained to Barclays. When Barclays maintained their position, the matter was referred to our service.

One of our Investigators didn't recommend the complaint should be upheld. She concluded the evidence didn't support that the withdrawals were unauthorised. Miss F disagreed and asked for an Ombudsman to make a decision. Initially I wrote to Miss F informally to explain why I wasn't minded to uphold her complaint. Miss F still didn't accept this outcome and so it's now appropriate that I issue my final decision to draw matters to a close.

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 done so, I've reached the same outcome as our Investigator. I say this for the following reasons.

- I'm satisfied Miss F's genuine card and PIN would have been required for the ATM withdrawals in dispute.
- Miss F says that she lost her phone and card together on 7 April 2023. She also says that she hadn't shared her PIN with anyone. But there is no explanation as to how a third party could have known her PIN. The previous undisputed use requiring the PIN was at least 24 hours before the disputed withdrawals. This negates the likelihood of it having been observed by a potential thief who then took the card.
- There is evidence that someone logged into Miss F's mobile banking after the ATM withdrawals had taken place. But Miss F's testimony is that her phone was taken with her card. There similarly isn't an explanation as to how a third party could have known the details required to log into her mobile banking.

- I don't think Barclays concluding that there was insufficient evidence to support that there was third party involvement in the disputed withdrawals was unfair or unreasonable.

I've also thought about the fact that Barclays refunded and then re-debited the £300 from Miss F's account twice. It would appear a second (duplicate) claim was raised when Miss F disputed the outcome of the first. The terms of Miss F's Barclays account allow them to re-debit refunds provided during a fraud investigation if appropriate based on the outcome they've reached. And looking at everything as a whole, in the circumstances of this complaint, I don't think there is a reasonable basis upon which I could direct Barclays to pay compensation as I don't think the outcome they reached was unreasonable or that they provided poor service such that it would be appropriate for me to do so. I'm more persuaded by the technical evidence from Barclays around the requirement for the PIN to have been used than I am by Miss F's testimony. So I'm not going to direct that Barclays need to do anything further to resolve this complaint.

My final decision

For the reasons outlined above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss F to accept or reject my decision before 11 December 2023.

Richard Annandale
Ombudsman