

The complaint

Mr B and Mrs B complain that Barclays Bank UK PLC delayed the return of money taken fraudulently from their account, provided poor service and communication and didn't respond to their complaints.

What happened

Mr B and Mrs B explain that they were the victims of a crime on 16 February 2022 when two males took their bank cards and discovered the PIN. Mr B's debit card was used to make £300 in cash withdrawals and for two payments of £5,000 to a merchant. The £300 was returned quickly but they didn't receive the £10,000 back into their account until 31 March 2022. This required a number of calls with the help of their representative and complaints they had raised were closed and not responded to. Barclays paid them £400 for this complaint even though Mr B hadn't agreed to this.

Barclays said that due to the amount disputed a full investigation had been required. And that it was *"sorry it exceeded the usual timescales."* It said a complaint had been raised in February 2022 and closed after confirming a resolution with Mr B. But that complaint had been opened and closed twice more with no contact with him about the resolution. Barclays said that the payments were made with chip and PIN and its systems didn't deem these to be suspicious. It recognised that their representative had written in May 2022, and it said it hadn't received the letter. It responded after further contact in October 2022. Barclays stated that it was *"extremely sorry for the poor service and lack of communication from us."* And that it had credited the account with £400 for the distress and inconvenience caused.

Our investigator didn't recommend that it do more than this. He said that there was no dispute that Mr B and Mrs B had been the victims of a distressing scam that gave the fraudsters access to the card and PIN used here. He didn't conclude that the payments ought to have been recognised as fraud and stopped given the way they were made. Barclays had accepted that it didn't allocate the case relating to the £10,000 payments and he considered this prolonged the distress caused by the fraudsters by two to three weeks. He thought that £400 in compensation was reasonable and said that complaint handling wasn't a separate regulated activity and only the account holders not the representative could be compensated as the complainant here.

Mr B and Mrs B didn't agree. Their representative said that they are elderly and experienced months of distress. This was more than about complaint handling. Barclays forgot to assign the case, the representative spent hours on the phone about this and contacted Barclays by email and social media when this could have been dealt with quickly. The customer service was 'atrocious'. It is said that Barclays didn't supply CCTV to the authorities that had been requested. Mr B and Mrs B were disappointed at the view of our investigator given the time it had taken to reach this.

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.

This service provides free informal dispute resolution for consumers. And as our investigator has said complaint handling isn't a separate regulated activity.

Barclays has accepted it made errors and there is no dispute that Mr B and Mrs B were the victims of fraud. I need to decide whether it has done enough to compensate them for its actions, recognising the substantial element of distress caused to them by the fraudsters and that there would always be an element of inconvenience in dealing with this.

The money taken from the cash machine was refunded. And Barclays gave Mr B the impression he'd get the debit card payments back quickly too. That wasn't the case and while there would always be a need for investigation of these larger payments there was an avoidable delay. I'm not persuaded on the information that it ought to have stopped these payments at the outset as Mrs B says happened to an attempted payment with her debit card from a different financial business.

The representative has set out the calls and contact made before and after the refund and I agree that this is more than about complaint handling and shouldn't have all been necessary. I also agree with our investigator that I am looking at the impact for Mr B and Mrs B as complainants here and wouldn't be compensating their representative or considering any other contact with a third party.

As far as the complaints were concerned my understanding and which seems confirmed from their bank statement is that Barclays initially paid compensation of £25 on 17 March 2022 for service issues and £25 on 4 April 2022 for the delays in relation to an earlier complaint reference number. It seemed to have considered one complaint as a duplication. It also says that it didn't receive a complaint letter in May 2022. It then as has been said paid £400 which Mr B was never happy with and his representative wasn't given the opportunity of discussing this with Barclays as had been requested.

I've taken into account our published guidance about compensation. We don't make punitive awards. I've assessed what has been said on behalf of Mr B and Mrs B and about the distress and inconvenience and that there was a delay in them getting their money back. And the accepted deficiencies in service and communication. Having done so I know that they will remain disappointed when I say that I think that Barclays' actions have been sufficient here and I won't be requiring it to do anything further.

My final decision

My decision is that I do not uphold this complaint in the sense that Barclays Bank UK PLC need do no more than it has already.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B and Mrs B to accept or reject my decision before 16 August 2023.

Michael Crewe
Ombudsman