

## **The complaint**

Mr and Mrs C have complained Santander UK plc won't refund money for two online payments they didn't make.

## **What happened**

Mrs C complained to Santander about two payments of £6,000 that were made from her and her husband's joint account on 10 and 11 November 2022. She confirmed this couldn't have been them.

Santander believed the factual evidence showed these transactions were made from Mrs C's device registered to their account. Mrs C hadn't reported being a victim of a scam, so they believed these payments must have been authorised.

Mrs C brought their complaint to the ombudsman service.

Our investigator reviewed the evidence but also felt this showed Mrs C authorised the payments.

Mrs C still disagreed and asked for their complaint to be reviewed by an ombudsman.

## **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'll explain why.

Where there is a dispute about what happened, I have based my decision on the balance of probabilities. In other words, on what I consider is most likely to have happened in the light of the evidence.

When considering what is fair and reasonable, I'm required to take into account: relevant law and regulations; regulators' rules, guidance and standards; codes of practice; and, where appropriate, what I consider to have been good industry practice at the relevant time.

The regulations which are relevant to Mr and Mrs C's complaint are the Payment Services Regulations 2017 (PSRs). These primarily require banks and financial institutions to refund customers if they didn't make or authorise payments themselves. Other factors do apply but nothing else specific in Mr and Mrs C's case other than those factors I mention below.

So to help me decide what happened, I've looked at the evidence of the transactions, as well as what Santander and Mrs C have told us.

I believe the evidence shows Mrs C authorised the online transaction. I say this because:

- A new payee was set up in Mrs C's own name to a different account. This shows up on Mrs C's Santander record and was recorded as a match between name and

account details. This suggested another account being held at another bank (I'll call R) in Mrs C's name.

- Mrs C denied having an account with R. However R was able to supply our service with the account opening records (for November 2022) and the usage made of the account. I was also able to see the ID provided when opening the account included Mrs C's passport. Queries to this account resulted in Mrs C providing current photographs of herself to validate the query she then made when transactions were blocked.
- The account details and usage supplied by R also showed the type of transactions being undertaken by Mrs C.
- Two payments were made to Mrs C's account with R for £6,000 each. These were enabled by a £25,000 loan credited to Mr and Mrs C's Santander account. They denied taking out this loan and ended up repaying this almost immediately. So Mr and Mrs C believed they remained £12,000 out of pocket.
- The audit records provided to our service by Santander indicate the devices used were registered to the Santander account and had been used previously. Mrs C vehemently denied there'd been any attempt at taking over their mobile devices or laptop.
- Santander blocked the payment attempted for £19,000 to Mrs C's account with R. This attempt was after two payments of £6,000 were successfully made.
- The audit records shows the IP address used when the payments were made. This roughly matches Mrs C's home location. Whilst IP addresses aren't conclusive evidence, they can be useful alongside other supporting evidence.

Like Santander, I did wonder whether this had the hallmarks of a scam. But I've contacted Mrs C and asked her further questions to check whether there was anything else happening around this time or if there was further evidence she wished to provide. Nothing was forthcoming.

I am always wary of believing the customer must have made the transaction in the absence of any other explanation, but in this case I've been presented with no reason why this didn't happen. The evidence points to Mrs C making and authorising these payments herself.

Whether – based on the evidence R provided – Mrs C regretted making these payments, I don't know. However I won't be asking Santander to do anything further.

### **My final decision**

For the reasons given, my final decision is not to uphold Mr and Mrs C's complaint against Santander UK plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C and Mrs C to accept or reject my decision before 3 November 2023.

Sandra Quinn  
**Ombudsman**