

The complaint

Mr Q has complained Barclays Bank UK PLC lodged a fraud-related marker on the industry fraud database, CIFAS, and closed his account.

What happened

In 2022 after receiving a fraud alert from another financial institution, Barclays returned £1,500 and blocked Mr Q's current account. They asked him to provide evidence about the payments received into his account, but he denied knowing who'd sent him the money and assumed this had been in error.

Barclays felt they had sufficient evidence to lodge Mr Q's record with a fraud marker at CIFAS. Still unhappy and denying Barclays' accusations, Mr Q brought his complaint to the ombudsman service.

Our investigator reviewed the evidence and believed this showed that it was most likely Mr Q knew who'd sent him the funds and spent them immediately after receipt. She wouldn't ask Barclays to do anything else.

Mr Q felt this was unfair and remained convinced the money had been sent in error. He also denied accusations he was involved in any scam. Mr Q's complaint has been referred to an ombudsman for decision.

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.

It is clear what the requirements are prior to lodging a marker. Specifically:

"There must be reasonable grounds to believe that an identified fraud or financial crime has been committed or attempted."

The evidence must be clear, relevant and rigorous."

So Barclays must be able to provide clear evidence that an identified fraud was being committed and Mr Q was involved. I'm satisfied they've done this here. I say this because:

- I've seen evidence about the funds paid into Mr Q's account. These were the result of someone being scammed. There's no doubt this money wasn't his.
- However shortly after receipt of the funds, Mr Q transferred two amounts (£1,000 on 5 September and £500 on 27 September) out of his account. I note Mr Q says he couldn't have realised these funds weren't his as he made regular transfers, but evidence shows he kept a close watch on his account. This suggests to me he was expecting these funds.

- Mr Q believes this money was sent to him in error. However the claim was that someone was scammed to send money for car hire. I can see there are other references to cars on Mr Q's bank statement.
- Additionally as the transaction was checked to confirm payee, I think it's most unlikely that someone managed to send three separate amount (£10, £990 and £500) in error. In fact it looks as if someone wanted to ensure the payment was going to the right place and made an initial transaction for £10 before sending the rest of the money.
- Barclays tried numerous times to find out from Mr Q what the source of the funds were as they wished to check whether this had been fraud or not. They found it difficult to reach Mr Q. It was only after a CIFAS marker was added to his record and his account was closed, and Mr Q felt that he wasn't able to get his outstanding balance, that Mr Q got in touch with Barclays.

Barclays closed Mr Q's account as they believed he was in breach of their terms and conditions. I've seen no evidence to contradict this.

I can see that Mr Q was able to access his outstanding funds in June 2023 after providing suitable ID to Barclays.

Overall I'm satisfied that Barclays had sufficient evidence to lodge the CIFAS marker and close Mr Q's account.

My final decision

For the reasons given, my final decision is not to uphold Mr Q's complaint against Barclays Bank UK PLC.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr Q to accept or reject my decision before 22 November 2023.

Sandra Quinn
Ombudsman