

The complaint

Ms G has complained National Westminster Bank plc won't refund her for numerous disputed transactions from 2008 to 2022.

What happened

On 22 September 2022 Ms G contacted NatWest. She believed she'd been a victim of fraud. After getting hold of her paper statements she told NatWest there were thousands of pounds of fraud on her account and was concerned NatWest had done little to protect her.

NatWest considered Ms G's different claims. They confirmed they didn't have access to records for transactions before 2018. But in any case they didn't believe there was sufficient evidence to show she'd been defrauded. They noted how upset she'd been by suggestions within branch that she'd be best off closing her accounts, but they didn't think there was anything further they should do.

Still unhappy, Ms G brought her complaint to the ombudsman service.

Our investigator reviewed the evidence supplied by both Ms G and NatWest. He told Ms G the Payment Services Regulations 2017 meant banks had to be notified of disputed transactions within 13 months of them taking place. He'd also looked at transactions from August 2021 throughout 2022. These involved Ms G's debit card which remained in her possession throughout. He didn't think these were unauthorised.

Disappointed with this outcome, Ms G has asked an ombudsman to consider her complaint.

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 Ms G'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.

To help me come to a decision, I've reviewed the evidence NatWest provided as well as what Ms G has given us. This involved over 500 pages of paperwork which I can reassure her I've looked at carefully.

Firstly I should say I appreciate how upsetting this must be for Ms G. I don't doubt her belief she's been defrauded over a number of years. She's told us she believes she's lost more than £100,000.

However I have little leeway in what I'm able to consider. The PSRs mean banks only need to consider fraudulent claims if they're raised with them within 13 months of the transactions taking place. It was only in September 2022 that Ms G raised nearly 15 years' worth of disputed transactions.

I have looked at whether there was any reason Ms G couldn't have raised her fraud claims earlier. I note she's told us she wasn't getting paper statements, but she was able to use NatWest's app. Ms G has told us these transactions weren't highlighted within the app. However I don't believe this would be possible. Ms G would have been able to notice if her balance was lower than she expected and been able to see all transactions on her account.

So I confirm that I can only consider the disputed transactions from August 2021 that were brought to NatWest's attention.

Unfortunately that doesn't mean I can hold NatWest responsible for those either. I say this because:

- These were made using Ms G's debit card. On occasion transactions were contactless and on occasion they were PIN-based.
- Ms G says she has her debit card in her possession.
- Any fraud would have meant someone must have taken and replaced her card numerous times. I think this is highly unlikely and if this had happened, Ms G would have noticed it.

Overall I believe Ms G authorised these transactions herself. I won't be asking NatWest to refund her.

I've also considered what Ms G has told us about how she was treated within branch. I note how upsetting this must have been. But I believe Ms G had been in branch on several occasions and was pretty insistent about what had happened. I know how distressing Ms G has found this but I won't be asking NatWest to do anything further.

My final decision

For the reasons given, my final decision is not to uphold Ms G's complaint against National Westminster Bank plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms G to accept or reject my decision before 26 December 2023.

Sandra Quinn
Ombudsman