

The complaint

Mr G has complained Bank of Scotland plc, trading as Halifax, won't refund money he didn't receive after using a cash machine.

What happened

In September 2023 Mr G used a cash machine to withdraw £500. He didn't receive any money from the cash machine but noticed there was an error message on the machine. His account was debited £500. He complained to Halifax and asked for the money to be refunded.

Halifax initially refunded the funds. After reviewing their records they then told Mr G they believed the money had been dispensed and withdrew £500 from his account.

Mr G immediately brought his complaint to the ombudsman service.

Halifax provided evidence to show that there had been no errors reported with any cash being dispensed and that there was no evidence to show the cash machine hadn't dispensed the money Mr G requested.

Our investigator had no option but to tell Mr G that he wasn't going to ask Halifax to refund him.

Our investigator referred the complaint to an ombudsman as no agreement on the outcome could be reached.

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 G's complaint are the Payment Services Regulations 2017 (PSRs). These require banks and financial institutions to provide evidence that a payment transaction was properly executed.

To help me come to a decision, I've reviewed the evidence Halifax provided as well as what Mr G has told us.

Our investigator provided a detailed view providing evidence about the timings of the transactions, including those that Mr G made to withdraw £500 and his subsequent attempts to withdraw further funds. There may also have been subsequent error messages as Mr G was unable to withdraw funds when he requested £300 and then £250. Those attempted withdrawals were unsuccessful as Mr G had already taken out the maximum he could from a cash machine that day.

I can see from Halifax's evidence that Mr G is most likely to have also received an error message as the cash machine was unable to provide any receipt when he withdrew £500. I have also seen the evidence showing the detail of Mr G's withdrawal. This confirms four £10 notes and 23 £20 notes were dispensed.

There's nothing to show that there was any problem with the cash machine and there were successful withdrawals both before and after Mr B tried to use the cash machine. It's also noted the evidence confirms the machine balanced when this was done next.

I can see there are inconsistencies with Mr G's evidence. We were sent evidence to show Mr G had also withdrawn £500 from his wife's account just after him trying to withdraw cash from his account. But the evidence dates from 28 September 2022 and not 2023. The evidence from Halifax shows subsequent withdrawals from the same cash machine were only for £30 and £20.

As I believe there's sufficient evidence to show the transaction worked and that cash was dispensed, I won't be asking Halifax to do anything further.

My final decision

For the reasons given, my final decision is not to uphold Mr G's complaint against Bank of Scotland plc, trading as Halifax.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 23 May 2024.

Sandra Quinn
Ombudsman