

## **The complaint**

Miss B has complained Santander UK plc won't refund her £3,350 for cash machine withdrawals she didn't make. They also closed her account.

## **What happened**

Miss B came to the ombudsman service in June 2023 after Santander told her they wouldn't be refunding her for disputed cash machine withdrawals. They confirmed these transactions took place from 8 April to 8 June 2023 and amounted to £3,350. These started after Miss B was sent a new card and PIN. The first transaction with this new card and PIN was the first disputed cash machine withdrawal in April 2023 for £100.

Our investigator reviewed the evidence which Santander provided. He felt it was most likely Miss B had carried out these transactions herself and wouldn't ask them to refund her.

Still unhappy, Miss B has asked an ombudsman to consider her complaint. She was unable to provide any further evidence to support 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 Miss B'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 Santander provided as well as what Miss B has told us. I appreciate her saying that £3,350 is a lot of money to lose which she can't afford.

However I don't believe these transactions were carried out by anyone else. I say this because:

- These transactions only started after Miss B was sent a new card and PIN after a previous fraudulent claim on her account.
- During the period of 8 April to 8 June when these disputed cash machine withdrawals

took place, I can see there was at least one other cash machine withdrawal carried out which Miss B has not disputed. There's another cash machine withdrawal on 9 June, the day after the disputed withdrawals apparently stopped.

- Miss B has told us she retained her card throughout. The evidence supports this.
- This would mean that a third party had taken Miss B's debit card 19 different times and replaced it. This would be extremely unlikely behaviour without Miss B being aware and having consented to the transactions.
- The cash machines used by Miss B in the period before April 2023 are the same cash machines used for the disputed withdrawals.
- Miss B had a history of fraudulent claims with Santander for the two accounts she'd held with them. There had been at least 12 different claims in the period 2021 to June 2023.

Santander wrote to Miss B in October 2023 to warn *her* *"that due to the high number of fraud claims that you have raised on your account in the last 12 months, we may impose our right to withdraw banking facilities if the level of risk continues"*. Santander subsequently closed Miss B's account and I can understand why.

I'm sorry to tell Miss B that I won't be asking Santander to refund her as I believe she made these cash withdrawals herself.

### **My final decision**

For the reasons given, my final decision is not to uphold Miss B's complaint against Santander UK plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss B to accept or reject my decision before 20 November 2023.

Sandra Quinn  
**Ombudsman**