

The complaint

Mr T has complained Santander UK plc won't refund debit card transactions which he didn't make.

What happened

The morning after being out in a club Mr T noticed a text from Santander. These referred to transactions made the evening before. Mr T was asked whether he recognised these. This prompted him to check his account where he noticed five transactions he didn't recognise. He reported these as fraud to Santander. These were for £48, £248 and three payments of £72 each.

Santander confirmed these payments had been made in the same place as transactions Mr T wasn't disputing, around the same time period and with his genuine card and correct PIN. They wouldn't consider refunding these.

Mr T brought his complaint to the ombudsman service.

Our investigator considered the evidence Santander provided along with Mr T's testimony. Mr T separately confirmed that he disputed more transactions than the original five. The disputed transactions totalled £599. However our investigator felt it was most likely Mr T had made these transactions.

Mr T disagreed. He couldn't understand how anyone could be thought to spend nearly £850 in such a short time out. He's asked an ombudsman to consider his 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 Mr T'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 T's case.

So to help me decide what happened, I've looked at the evidence of the transactions, as well as what Santander and Mr T have told us. I can reassure Mr T that the differing amounts in

dispute has not had any impact on the decision I'm making.

Overall I believe the evidence shows Mr T authorised the disputed card transactions. I say this because:

- The evidence from Santander shows Mr T's genuine card and PIN were used to authenticate the disputed card transactions.
- Mr T was in a club and admits he was buying services as well as drinks as a treat. His card remained in his possession throughout the evening. Mr T has explained the different costs that he believed he was paying.
- Santander rejected a couple of transactions as they suspected fraud. Subsequent transactions – made up of smaller amounts – suggest these payments could have been made to cover transactions that had been cancelled by Santander.

I agree there was a considerable amount spent – nearly £850 – in just about the two hours he was in the club but it seems more than likely to me that Mr T just lost track of how much money he'd been spending.

I know Mr T has suggested his card could have been cloned but I don't believe that's what happened here. The audit trail data that Santander has provided confirms Mr T's genuine card was used.

I dispute the idea that Santander should have intervened and blocked his card. In fact they rejected two larger value payments for £72 and £240.

Overall I'm satisfied these transactions were authorised by Mr T. I'm not going to ask Santander to do anything further.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 26 September 2023.

Sandra Quinn
Ombudsman