

## **The complaint**

Mr F has complained that Barclays Bank UK PLC registered a marker against him at CIFAS, the national fraud database.

## **What happened**

Both sides are most familiar with the case, so I'll summarise what happened in brief.

In late 2018, Mr F received and paid on £680 using his Barclays account. Barclays were then notified that these funds were the proceeds of fraud. They reviewed the matter, then closed the account and registered a marker at CIFAS.

Mr F explained that he met a friend while incarcerated, who later asked him to forward the money on because they didn't have an account of their own and so couldn't do transfers. They transferred Mr F the money and he says he forwarded it on in good faith, unaware that it came from fraud. He did not have any evidence of his contact with this friend.

Our adjudicator looked into things independently and didn't uphold the complaint. Mr F asked for an ombudsman to look at things afresh, so the complaint's been passed to me to decide.

## **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.

In order to register this marker, Barclays were not required to prove beyond all reasonable doubt that Mr F had done something wrong. They did need to have reasonable grounds to believe that he'd misused his account, which went beyond a suspicion or concern, and which had appropriate supporting evidence. Having carefully considered everything that both sides have said and provided, I think Barclays did have sufficient grounds to register this marker. I'll explain why.

Barclays received an official report that the money Mr F received came from a victim of fraud – not from his friend. Mr F paid on this money in such a way that it could not be recovered once the fraud was found out. His activity was consistent with that of someone who was either complicit in the fraud itself or who was acting as a money mule.

Mr F has not been able to provide any evidence to show that he was entitled to these funds, or to show what he discussed with this friend. Indeed, I have no evidence to say that he spoke to this friend at all. Mr F said that he sent Barclays a copy of his messages. But there's no record of him doing so. And I can see that when Barclays investigated things, he told them he didn't have any such evidence. While I understand that memories can fade over time, I'm afraid this does also call into question the accuracy of Mr F's testimony.

I've also thought carefully about what Mr F has explained happened. However, if his friend was unable to make transfers, then they would've also been unable to transfer the funds to Mr F in the first place. And if they were able to transfer the funds to Mr F, then they were also able to send them on like Mr F did – meaning there'd be no need for Mr F to be involved at all. Further, the money Mr F received was not from the friend he named, but from a victim of fraud. And Mr F would have seen the name of the person sending him the money at the time, and would've seen it came from someone else. So I'm afraid that what Mr F has told us is not really plausible. And from what he's told us, I do not find that Mr F had a reasonable basis to believe this activity was legitimate.

In summary, Mr F received and passed on the proceeds of fraud. He's not been able to evidence any entitlement to the money. His testimony has not been very plausible or reliable. He does not seem to have had reasonable grounds to think that what he was doing was legitimate. His activity was consistent with that of someone who was involved in the fraud or acting as a money mule. And I've not seen any evidence which makes it seem unlikely or implausible that Mr F knowingly and willingly helped pass on fraudulent funds.

So it seems fair that Barclays registered the appropriate marker at CIFAS. It also follows that they acted reasonably in closing Mr F's account, which they were allowed to do under the terms. This is a difficult message for me to give, and I know it's a difficult message for Mr F to receive. But given the evidence I have, and the balance of probabilities, I'm unable to reasonably reach any other conclusion.

### **My final decision**

For the reasons I've explained, I don't uphold Mr F's complaint in this case.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 6 September 2023.

Adam Charles  
**Ombudsman**