

The complaint

Ms G has complained that Santander UK Plc won't refund money she says wasn't dispensed back to her by an ATM after she cancelled a deposit.

What happened

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

On 19 April 2023 Ms G tried to deposit £1,400 in an ATM. When the ATM told her there were too many notes, she said she tried to deposit £1,200. The ATM only counted £340 and gave Ms G the option of cancelling the transaction – which she did. But she says the ATM only returned £340.

Santander said its ATM dispute team reviewed the matter twice and found that records for the ATM used by Ms G showed no *'overage or error'*.

Ms G complained to the Financial Ombudsman. She maintained she'd only received back £340 of the attempted £1,200 deposit. She wanted Santander to refund the outstanding £860.

Our Investigator looked into things independently and didn't uphold the complaint. Ms G didn't agree, so the complaint has been passed to me to decide.

Ms G maintained she'd only received £340 back from the ATM. She said she'd remained consistent in her testimony and was prepared to take a lie detector test. Ms G said that the situation had been extremely upsetting for her.

Ms G wanted to know if Santander had considered the possibility that her money had been accidentally credited into another customer's account. Or if the ATM had been tampered with in some way by fraudsters. And she wanted to know whether we could access any CCTV footage to show her depositing the money.

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 – and for largely the same reasons. I realise this will be very disappointing for Ms G and I'd like to assure her I haven't taken this decision lightly.

In doing so, I've very carefully considered all the evidence provided and I'd like to assure Ms G that if I don't mention a particular point, it's not because I haven't considered it, but I've focussed instead on what I believe to be important to the outcome of this complaint.

I appreciate Ms G's strength of feeling – and I don't underestimate the significance of the £860 to her. She's spoken about the need to review CCTV footage and that she'd be

prepared to take a lie detector test to further support her testimony – which I accept has been consistent throughout.

But I need to look at things objectively. Essentially, I can only tell Santander to refund the disputed £860 if the *technical* evidence supports there was a discrepancy or error with the ATM resulting in the £860 loss. And so, I don't consider that any information obtained from CCTV, or a lie detector, would be persuasive here.

Santander's technical reports and complaint records support Ms G's testimony in so far as the process she went through in trying to make the deposit and the action she took immediately afterwards. In particular, the reports show that Ms G tried to make the deposit on two occasions, with the first attempt being aborted due to a '*maximum number of notes exceeded*' error message.

In terms of the second attempt, the report also confirms that the ATM counted £340 (34 x £10 notes). And that this transaction is then cancelled, and the notes presented back to Ms G – as her testimony confirms.

My focus has therefore been on whether there is any technical evidence to show that £1,200 was deposited by Ms G and that £860 has been unaccounted for.

Firstly, as I've said above, the ATM only counted £340. I appreciate Ms G has consistently maintained she tried to deposit £1,200, and her testimony is persuasive. But unfortunately, that isn't supported by the technical evidence – which in cases such as this, is seen as more persuasive than a customer's testimony.

In terms of whether any money was 'stuck' in the ATM, I can see from Santander's records that this was checked by branch staff at the time. Santander has also confirmed there were no reported problems or evidence of tampering with the ATM used by Ms G.

I've looked next at whether there's any evidence to support an accounting discrepancy with the ATM used by Ms G that matches the disputed £860.

I can see from the information provided by Santander that on 19 April 2023 the ATM balanced. The records also show the ATM balanced in the days immediately after Ms G's attempted deposit.

Santander has also provided information about the deposits made using the ATM from 10.09am on 19 April 2023 up until the funds were cleared at 8.50am on 20 April 2023. The report shows there was a discrepancy of £280 in a transaction made by another customer at 8.08am on 20 April 2023, whereby more notes were counted than the customer deposited. Santander has told us this money has been reimbursed to the relevant customer and has no bearing on Ms G's complaint. But given the strength of Ms G's testimony, I've thought very carefully about the significance of this evidence.

Firstly, there's no suggestion this discrepancy was because the ATM was faulty or tampered with. Secondly, the transaction to which the discrepancy related happened the day after Ms G's attempted transaction – and the amount bears no resemblance to the disputed £860. Thirdly, the fact the discrepancy was identified by Santander shows it has accounting checks in place to ensure deposits are processed correctly.

Furthermore, the deposit information Santander has provided shows no reference to any money being deposited by Ms G. The total money deposited, and the total banked for the period in question, also matches. This indicates that when the money deposited in the ATM

was counted, and the £280 was reimbursed, it matched what was collected and banked. In other words, no amount matching the disputed £860 was unaccounted for.

Ms G has asked if there's a possibility the £860 was credited to the wrong account. I accept anything is possible, and it's right to explore all avenues. But I've seen nothing to support Ms G's suggestion here, primarily because there's *no* technical evidence of *any* money being successfully deposited in the ATM by Ms G. I've therefore got no basis on which to say the money was possibly somehow credited to the wrong account when there was no money to credit.

All the evidence I have strongly supports that the deposit transaction was attempted by Ms G – but the funds were returned to her. And there's no evidence of any errors or accounting discrepancies to indicate her money was retained by the ATM or that the funds were credited to the wrong account. So, I don't have a fair basis on which to tell Santander to refund the disputed £860.

This is a difficult message for me to give. But given the evidence I have and the balance of probabilities, I'm unable to reasonably reach any other conclusion.

Taking all the evidence into consideration, I don't think this is a case where it would be fair and reasonable for me to ask Santander to refund the £860 to Ms G.

So, I'm not going to tell Santander to do anything further to resolve this complaint.

My final decision

For the reasons I've explained, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms G to accept or reject my decision **before 10 November 2023**.

Anna Jackson
Ombudsman