

## The complaint

Mr D complains that Santander UK Plc haven't done enough to help him recover his funds when he misdirected a payment.

## What happened

I issued a provisional decision on 26 February 2024, and this is what I said:

*I've considered the relevant information about this complaint.*

*Based on what I've seen so far, there will be a different outcome to what our investigator proposed.*

*Before I issue my final decision, I wanted to give everyone a chance to reply.*

*I'll look at any more comments and evidence that I get by 11 March 2024. But unless the information changes my mind, my final decision is likely to be along the following lines.*

### *The complaint*

*Mr D complains that Santander UK Plc haven't done enough to help him recover his funds when he misdirected a payment.*

### *What happened*

*On 1 February 2023, Mr D made a payment for £357.50 to Bank A. But when entering the payee's bank account number, he made an error with the last digit. So, Mr D immediately contacted Santander to retrieve the funds from Bank A.*

*On 5 March 2023, Santander informed Mr D that they hadn't heard from Bank A and they'd closed down his request.*

*Mr D contacted Santander several times and was told that they'd send a further request, but he should contact Bank A. However, he didn't hear back from Santander and Bank A wouldn't discuss the matter with him. When Mr D complained to Santander, they said they couldn't do any more.*

*Mr D brought his complaint to our service as he doesn't understand how Bank A don't have to respond and why Santander don't have the power to question who's account the money ended up in. He believes that by law, whoever has received the money is 'retaining wrongful credit' and it is an offence.*

*However, our investigator didn't uphold his complaint and, as Mr D remains dissatisfied, this case has now been referred to me to look at.*

### *What I've provisionally 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, based on the current information, I'm upholding this complaint and I'll explain why.*

*Upon a review of the file, on 22 January 2024, I asked Santander for the following:*

- a) Information to understand why their system hadn't picked up that the payee was different*
- b) Information on their retrieval requests so I could confirm they were sent and they'd made reasonable efforts to recover Mr D's funds*
- c) Whether they'd given Mr D any assistance and explained options open to him. I would expect to see this and there is a banking code that says, "If funds cannot be recovered through the standard central process your bank will give you clear and accurate information on the options you have available – such as court action against the recipient".*

*Santander didn't respond, so I asked them again on 6 February 2023. But I still haven't received a response.*

*Although it's clear the issue here is due to Mr D's mistake and Bank A having his funds, without any answers to my questions, I can't be satisfied that Santander have done enough to help recover his funds. Also, without these answers, I'm persuaded by Mr D's submissions that they haven't given him the help or support to recover his funds.*

*So, based on the information currently available, I'm not satisfied that Santander have treated Mr D fairly here. Therefore, I'm currently upholding this complaint and my provisional decision is to require Santander UK Plc to:*

- Pay Mr D £357.50*
- Pay Mr D £50 compensation for the distress and inconvenience in not providing him with sufficient help or support*

*My provisional decision*

*For the reasons I've given above, it's my provisional decision to uphold this complaint. I require Santander UK Plc to:*

- Pay Mr D £357.50*
- Pay Mr D £50 compensation for the distress and inconvenience in not providing him with sufficient help or support*

*I'll look at anything else anyone wants to give me – so long as I get it before 11 March 2024.*

*Unless that information changes my mind, my final decision is likely to be as I've set out above.*

### **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.*

*I didn't receive a response to my provisional decision from either party.*

*So, as no further arguments or evidence have been produced in response to my provisional decision my view remains the same.*

*I therefore adopt my provisional decision and reasons as my final decision.*

## **My final decision**

For the reasons I've given in my provisional decision my final decision is to uphold this complaint and I require Santander UK Plc to:

- Pay Mr D £357.50 (transaction refund)
- Pay Mr D £50 (compensation)

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 12 April 2024.

Paul Douglas  
**Ombudsman**