

The complaint

Mrs D complains Bank of Scotland plc (Halifax) have refused to refund her for a transaction on her account she says she didn't make.

Mrs D is represented in this complaint, but for ease when talking about the evidence provided and what we've been told I will just refer to Mrs D instead of Mrs D's representative.

What happened

Mrs D says she doesn't recognise a transaction of £399 taken from her Halifax account on 2 February 2023. She says she asked Halifax to refund this money, which they did, but then re-debited this amount without telling her. This caused her to go into an unarranged overdraft and has affected her wellbeing.

Halifax say they refunded Mrs D the disputed transaction amount while they investigated her claim, but they made her aware they might re-debit this amount later if her claim was unsuccessful.

Halifax say Mrs D's claim was unsuccessful because the transaction was made to an online payment platform (I'll call them B) which Mrs D has used several times in the past. Halifax contacted B and they provided evidence that the payment was made using Mrs D online account with them and her usual Halifax VISA card.

Mrs D was not happy with the outcome of her claim. She says she did not make the payment and did not purchase anything via B for £399. So, she brought her complaint to us.

Our investigator considered this complaint against Halifax and decided that Halifax did not need to pay anything back to Mrs D. Mrs D disagreed, so the complaint has been passed to me for a final decision.

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.

Mrs D has raised several points and although I may not mention every point raised, I've considered everything she has said but limited my findings to the areas which impact on the outcome of the case. No discourtesy is intended by this, it just reflects the informal nature of our service.

Generally, Halifax can hold Mrs D liable for the disputed transaction if the evidence suggests it's more likely than not that she made or authorised the transaction herself. This position is confirmed in the Payment Service Regulation 2017 (PSRs) and terms and conditions of her account.

From what I've seen, the payment was made using Mrs D's Halifax VISA card through payment service B. And it's been confirmed that Mrs D's email address, genuine card and

billing address were used to make the payment. Mrs D has also told us that her account with B was password protected and this password had never been shared with anyone else. In addition, Mrs D says she has only ever accessed her account with B via her phone (which is protected by facial recognition) and her laptop (which is password protected.) So, I've not seen any persuasive evidence to explain how someone else could've made this transaction and therefore it seems likely that the payment was made by Mrs D herself.

I've thought about what Mrs D has said about the purchase being for a phone and that Halifax told her the phone was sent to Russia. We contacted B to confirm the delivery address but they said no address was listed. So, I've not been given any evidence to support what Mrs D has said here, and in any event, this does not explain how someone could've accessed Mrs D's account with B and made the payment using her details.

Mrs D is also unhappy that Halifax re-debited the refunded amount without telling her. But I've seen evidence that an email was sent out to Mrs D explaining Halifax would need to re-debit the account and she would need to ensure there are sufficient funds in her account. So, I don't think Halifax have done anything wrong here.

I'm sorry to hear Mrs D has not been keeping well. I'm sure this outcome will come as a disappointment to her, but based on the evidence, and for all the reasons outlined above I've decided not to uphold this complaint.

My final decision

I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D to accept or reject my decision before 8 January 2024.

Sienna Mahboobani
Ombudsman