

The complaint

Mrs N has complained National Westminster Bank plc won't refund her for disputed cash machine withdrawals and card transactions.

What happened

Mrs N opened an account with NatWest in July 2023. In August she went into her branch to take out some cash. She was given a mini statement and noted four cash withdrawals of £250 which she didn't recognise. She complained and was sent a new card for her account.

In September Mrs N complained to NatWest about £1,203.80 worth of disputed card transactions which had taken place on the new card sent to her on 17 August.

NatWest wouldn't refund Mrs N as they didn't believe what had happened resembled fraud and felt it was most likely Mrs N had carried out the transactions or knew who had used her cards.

Mrs N brought her complaint to the ombudsman service.

Our investigator felt it was most likely that Mrs N knew what had happened and was concerned about the inconsistencies in her evidence.

Mrs N still disagreed and confirmed her mobile phone had been stolen and she'd had to use her son's mobile. She's asked an ombudsman to consider her 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 Mrs N'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 aspects do on occasion apply, but nothing here that specifically applies to Mrs N's complaint.

To help me come to a decision, I've reviewed the evidence NatWest provided as well as what Mrs N has told us. Mrs N told us about being a victim of a scam previously, so I've also been in touch with Mrs N's former bank to get a better understanding of what happened. I've

taken their evidence into account in my decision.

I believe this transaction was carried out with Mrs N's authorisation. I say this because:

- Two different cards were used for the disputed transactions. At no stage was Mrs N aware that her card wasn't in her possession. She used the first card herself on 17 August when she took out cash in branch and this was when she became aware of four disputed cash machine withdrawals. The following disputed transactions that took place with the second card provided to Mrs N took place at the same time as Mrs N using her card for transactions she's not disputed.
- At least two card transactions required additional verification. NatWest sent codes to Mrs N's registered device in August to enable these to be carried out.
- Mrs N has subsequently told us her phone was stolen and she had to use her son's mobile. There remains the possibility that her son carried out these transactions without her authority, but I don't believe the evidence supports this. I say this because one of the disputed transactions was to enable a credit check to be undertaken. This seems a very unlikely transaction to be carried out by a third party. And I note a later transaction to the same provider that Mrs N hasn't disputed.
- Mrs N was most likely a victim of a scam in 2021 and her previous bank refunded her in full. However they shut her account after further fraud claims which bear a close resemblance to what happened with Mrs N's NatWest account. I note Mrs N's previous bank had sent information to Mrs N to advise her how to avoid being a victim of fraud. Whilst this is not in the least fool proof, I'd have expected if all that had happened before was genuine, then Mrs N would have taken steps to ensure the security of her card as much as possible. I can't see that she's done so.
- Mrs N has complained we've not considered where items which were part of the disputed transactions were delivered to. I don't feel the need to do this based on what the other evidence is confirming.

In this case, I can see no potential for compromise and the weight of evidence suggests to me that NatWest were right in deciding there wasn't sufficient evidence to show fraud had taken place.

Overall I'm satisfied Mrs N knew about the use of her debit card and authorised this. I won't be asking NatWest to do anything further.

My final decision

For the reasons given, my final decision is not to uphold Mrs N's complaint against National Westminster Bank plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs N to accept or reject my decision before 5 April 2024.

Sandra Quinn
Ombudsman