

## The complaint

Mr A has complained Metro Bank PLC lodged a fraud-related marker on the industry fraud database, CIFAS, in his name.

## What happened

In 2022 Mr A was told by Metro that they were closing his account. They also lodged a fraud-related marker on his record with CIFAS.

Mr A complained and asked Metro to remove the marker. Metro didn't feel they'd done anything wrong and refused to remove this.

Mr A brought his complaint to the ombudsman service.

Our investigator reviewed the evidence and believed Metro's evidence was sufficient to lodge the CIFAS marker. He considered Mr A's testimony in support of his complaint but didn't believe this showed he was a victim who'd been forced to use his account for a friend's transactions.

Mr A disagreed with this outcome. He's asked an ombudsman to consider his 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.

It is clear what the requirements are prior to lodging a marker. Specifically:

*“There must be reasonable grounds to believe that an identified fraud or financial crime has been committed or attempted.*

*The evidence must be clear, relevant and rigorous.”*

So Metro must be able to provide clear evidence that an identified fraud was being committed and Mr A was involved.

There's also a requirement that Metro should be giving the account holder an opportunity to explain what was going on.

I've seen the evidence provided by Metro. This confirms they received a notification from another bank that Mr A's account had received two payments of £1 and £24,586.14 as the result of a safe account scam.

Mr A has told us he got to know someone through football who'd told him they weren't able to use their own bank accounts. They asked Mr A to allow them to send credits through his account. Mr A has confirmed he was scared and surprised when he saw the value of the

payment which came into his account. He's also told us he was subsequently provided with evidence to give to Metro to show he was selling a car. This evidence was supposed to demonstrate that the payment of £24,587 was all above board. He's also confirmed he was threatened and became extremely scared about what may happen. This has all had a major impact on him.

I've considered this but I'm not convinced by his testimony or the evidence he provided.

I say this because I've reviewed Mr A's history of account use with Metro. I'm also aware of another complaint Mr A has with this service about an instance of accepting a payment into another account after this incidence. This suggests to me that Mr A was potentially regularly involved in fraudulent behaviour.

Mr A has also complained that our service carried out a previous detailed investigation which resulted in a CIFAS marker being previously removed. That may be the case but that only confirms that someone with his history should be more aware of what could happen. In this case I'm not persuaded Mr A was an innocent party.

The requirements around banks lodging markers at CIFAS include there being sufficient evidence that the customer was aware and involved in what was going on. In this case I think this most likely exists here from reviewing the payments into Mr A's Metro account.

On this basis I don't believe it would be fair and reasonable to ask Metro to remove the CIFAS marker.

### **My final decision**

For the reasons given, my final decision is not to uphold Mr A's complaint against Metro Bank PLC.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 13 May 2024.

Sandra Quinn  
**Ombudsman**