

## The complaint

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

## What happened

In 2023 Mr A was told by Starling that they were closing his account. They also lodged a fraud-related marker on his record with CIFAS.

Mr A complained and asked Starling to remove the marker. Starling 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 Starling'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 was sufficient to show he was indeed expecting funds in receipt of a television.

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 Starling 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 Starling should be giving the account holder an opportunity to explain what was going on.

I've seen the evidence provided by Starling. This confirms they received a notification from another bank that their customer had sent £946 to Mr A's Starling account as the result of a fraud.

Mr A has told us he was selling a television that he'd recently been gifted from his father. He's provided copies of adverts that were placed two years ago. He's also told us some history of this transaction and the person who came to buy the television.

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 Starling. I'm also aware of another complaint Mr A has with this service about instances that pre-date this occurrence. I have to say there seem to be similar circumstances at play. Based on what Mr A has told us about his other complaint, I'm surprised he'd not hung onto evidence of exchanges between himself and the prospective buyer.

We also contacted the bank who submitted the fraud claim to Starling. This indicates to me that this wasn't a simple complaint about the condition of goods received or similar. I'm not convinced that there's a television involved here at all.

I note Starling made over five attempts to contact Mr A back in March 2023 to find out what had gone on. Our investigator had to make a similar number of attempts to ask Mr A to provide any evidence in support of his complaint.

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 payment into Mr A's Starling account.

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

### **My final decision**

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

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**