what we've seen
→ how we've helped
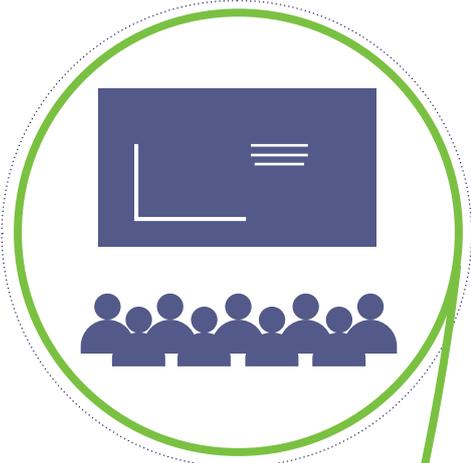data in more depth
⌨ www.financial-ombudsman.org.uk

We attend the Claims Management Regulator's seminar for newly authorised claims managers to explain what we expect when they refer complaints to us

We meet people who help run credit unions in County Tyrone

We talk to BBC Radio Sussex & Surrey about what section 75 of the *Consumer Credit Act* means in practice

small business is caught up in hoax website scam

Mr G phoned us when his business lost money to fraudsters. One of his employees, Mrs O, had inadvertently put the business's online banking details into a hoax website – and fraudsters had subsequently transferred around £40,000 out of the account.

Mr G's business's bank had raised an indemnity claim with the banks that the money had been transferred to, but had only managed to recover around £2,000. They'd refused to refund any more money, saying Mr G's business had been "grossly negligent" by giving the passcode to a third party.

However, Mr G's business banking terms and conditions didn't say his business was responsible for losses arising from the passcode being disclosed to a third party. And although Mrs O had typed in the business's passcode, the fraudsters had gone on to make the transactions themselves – so she hadn't actually authorised them.

The bank acknowledged that the hoax website would have looked exactly like their own – so Mrs O couldn't have known she was using a fake site. And according to the bank's records, she'd phoned the bank shortly before she reported the missing money to say the website was running slowly. The bank's adviser had told her she could carry on using the site – despite there being a warning on the bank's own website that a slow-running online system could indicate possible fraud.

In the circumstances, we didn't agree Mrs O had been grossly negligent. The bank's adviser could have alerted Mrs O to the fact something might be wrong – particularly as malware was a problem that the bank was actively warning its customers about. We told the bank to pay Mr G the money they hadn't been able to recover.