

The complaint

Mr Q complains about the service he received from Santander UK Plc (“Santander”) when he contacted it following a scam.

What happened

In September 2021, Mr Q was contacted by someone pretending to be from Santander. They had hacked into the thread of genuine text messages from Santander which were on his phone. They sent a message saying there had been an attempted fraud on his account. Somebody called him and said he needed to move his money to a new account to protect it. Mr Q believed that the communications were genuine and that he was speaking with Santander. As a result, he transferred around £6,500 from his Santander accounts to another account at Santander. He was told this new account was in his name, but it wasn't.

Mr Q called Santander to check the funds had arrived in the new account. At this point, he discovered he'd been the victim of a scam. He was extremely distressed. He said he would kill himself and his family and that he felt like shooting himself.

Santander returned the funds to Mr Q in full the next day. But he wasn't happy with the way it had dealt with the situation. He said that Santander's security had been breached, enabling the fraud to take place. He was also very unhappy that no-one had been to check on him after he'd said he would harm himself.

Santander said its security hadn't been breached and that the scam wasn't caused by a mistake on Santander's part. It said it has a duty of care when there are genuine concerns for a customer's safety. But that, even if it had contacted the Police, they wouldn't necessarily have gone to check on Mr Q. It said that the distress Mr Q experienced wasn't caused by Santander, so it didn't think it needed to do anything.

Mr Q wasn't happy with Santander's response and came to this service. I issued a provisional decision on 10 May 2022 indicating my intention to uphold the complaint. Santander accepted my recommendations. Mr Q responded and referred to a Direct Debit which was set up on his account in October or November 2021 without his knowledge.

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.

I've noted Mr Q's comments and I can assure him that I've looked at everything he provided and listened to all the call recordings provided by Santander. Mr Q is unhappy about a Direct Debit which was set up on his account later in 2021. But that didn't form part of the complaint he made to Santander in November 2021, which was about the scam in September 2021 and the way Santander dealt with it. That's the complaint which was referred to this service and that's what I'm making a decision about here. If there are other issues which Mr Q is unhappy about, he will need to put those to Santander so that it has the chance to respond.

In relation to this complaint, I haven't seen anything which changes my mind about the appropriate outcome. So I'm going to uphold it in the way I recommended in my provisional decision. My reasons are set out below.

I can appreciate how distressing it must have been for Mr Q to find out that he had been the victim of fraud. I'm pleased to see that his funds were returned to him in full the next day. Mr Q says he's now wary and feels concerned about his account security. I think that's understandable. But I haven't seen anything to suggest that the fraud was due to any breach in Santander's security or any fault on the part of the bank. So I don't find that Santander was responsible for what happened or needs to do anything about that side of things.

Once Santander knew what had happened, it blocked the account where Mr Q's money had been sent. That happened on the same day that Mr Q had transferred the money. The funds were returned to Mr Q in full the next day. I don't find any fault with Santander's actions in this respect, and I'm pleased that Mr Q recovered his money.

But, turning to the customer service Mr Q received, I think that could have been better. Mr Q says that Santander showed a lack of sympathy or concern for his wellbeing, even when he talked about harming himself. I've listened to the calls and my findings are below.

When Mr Q first called Santander, he didn't know he'd been the victim of a scam – he was just following up on earlier conversations which he thought had been with Santander. I understand he had to wait on hold for around half an hour, then the agent couldn't find the account details Mr Q had given her. At that point, Mr Q started to panic. The agent said she would put him through to the fraud team. Mr Q became agitated and unhappy about being put on hold again. He swore and said he was going to kill himself and his family. He ended the call quite quickly after saying this, so I don't think there was much opportunity for the agent to have done anything differently on this call.

An agent from Santander's fraud team then called Mr Q. I don't know how soon afterwards this was. It was during this call that Mr Q was made aware that he'd been the victim of a scam. He didn't swear, shout or use abusive language during this call. The agent blocked the new account during this call. There was an urgency to do that and she seems to have been doing so and making notes whilst on the phone to Mr Q. I think that was reasonable and it's what I'd expect to happen in the circumstances.

But the agent didn't seem sympathetic to Mr Q and I don't think she showed any understanding of the distress he was experiencing at finding himself in this situation. She talked over him when he was saying how worried he was and she didn't acknowledge his concerns. At one point, Mr Q said *"oh please do something otherwise I'm going to kill myself..."* and talked about how he had almost no money left in his account. The agent didn't respond to that at all and just seems to have continued working in the background.

At the end of the call, Mr Q said *"I feel like shooting myself right now"*. The agent paused, then said *"OK, is there anything else I can help you with?"*. Mr Q said no, but if they didn't hear from him it would mean he'd done something to himself. The agent paused and said *"just let me see if I can speak to a manager regarding this"*. She put him on hold. When she came back, she didn't refer to his state of mind or concerns at all. She just confirmed that the new account had been blocked, but she didn't know if the money had already been taken out of it. She told Mr Q to call back in one or two days. That's not the way I'd have expected the agent to respond.

I don't think this call was well-handled from a customer service point of view. I would urge Santander to listen to the call in full and consider whether it was handled in line with its policies or whether there is any learning to be taken from it.

Later, when Mr Q spoke to Santander's complaints handler, she pointed out that he had shouted and sworn on the phone. She seemed to rely on that as the reason why Santander hadn't reacted to his comments about harming himself. But Mr Q didn't shout or swear on the call with the fraud department. So I don't think that explains the way Santander responded to him on that call.

Santander says it has to know there's a genuine concern for a customer's safety before it does anything. I think that's reasonable. On listening to the calls, I can't say whether there was a genuine or immediate concern here. But I don't see how Santander could have been sure there wasn't. At times during the call, the agent didn't acknowledge Mr Q's comments. She didn't ask him any questions, show sympathy or direct him to any sources of support. I don't think telling him to report the fraud to the national reporting centre so that he could get a reference number amounted to offering support to ensure he was okay.

In conclusion, I don't find that Santander was to blame for the scam. And it refunded Mr Q's money. So it isn't responsible for the main source of his distress, which was the scam. But Mr Q says that Santander's lack of sympathy and concern for his wellbeing added to his distress. Having listened to the calls, I can understand his point of view.

Putting things right

I think Santander needs to do something to recognise the impact of this. I think it should pay Mr Q compensation of £200 for the distress caused. I also think a written apology would be appropriate. I've referred to some specific parts of the call with the fraud department here, but I would urge Santander to listen to the whole call and decide if there are any other points it wants to address in the apology.

My final decision

For the reasons above, I uphold this complaint. Santander UK Plc should:

- pay compensation of £200 to Mr Q; and
- send Mr Q a written apology.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr Q to accept or reject my decision before 16 June 2022.

Katy Kidd
Ombudsman