

## **Complaint**

Miss R is unhappy that Barclays Bank UK PLC didn't reimburse her after she fell victim to a scam.

## **Background**

Between December 2015 and December 2017, Miss R lost a significant sum of money to a romance scam.

She had met a man on an overseas holiday in 2011. In April 2015, he re-established contact with her. They spoke and exchanged messages frequently and a relationship developed between the two. In December 2015, he returned to his home country. Miss R went to visit him and his extended family the following month. They married in an informal religious ceremony, but this form of marriage wasn't one that was recognised in law either in the fraudster's home country or in the UK.

He wanted Miss R to sell her home in the UK and move to his home country so that they could live together. His plan was that they would purchase a large building – they would live in part of it and earn a rental income from the other dwellings and the retail space on the ground floor. In February 2016, she transferred £100,000 from her account with Barclays to the fraudster.

In 2017, Miss R was contacted by the fraudster's brother who told her that he'd been arrested and explained that he needed her to transfer £6,000 to bribe the judge to release him from prison. Shortly afterwards, the fraudster contacted her again and explained that he'd found another property to invest in and pressed her to transfer more money.

In February 2018, Miss R had to return to the UK due to a family illness. She was told that, while she was away, the fraudster had been called up to do national service. In 2021, having not seen him for a considerable period of time and communicating exclusively with his brother, she suspected she must have fallen victim to a scam.

She notified Barclays about what had happened, but it said it wouldn't reimburse her. It said that she hadn't fallen victim to fraud but that this was a civil matter between her and the man she'd been in a relationship with. Miss R was unhappy with that response and so she referred her complaint to this service. It was looked at by an Investigator. The Investigator agreed that Miss R had fallen victim to a scam. However, she concluded that, even if Barclays had intervened to speak to her about the payments she was making, it wouldn't have persuaded her to change her mind.

Miss R disagreed with the Investigator's opinion. She said that the second payment she made (for £100,000) should've been identified as suspicious and so an opportunity was missed for employees of the bank to ensure she wasn't at risk of financial harm. Instead, no concerns were raised with her at all.

She also argued that it can't be assumed either that Barclays would've found her answers to their questions acceptable or that she wouldn't have acted differently if the possibility of

fraud had been brought to her attention. Because Miss R disagreed with the Investigator's view, the complaint has been passed to me to consider and come to a final decision.

## Findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I want to say at the outset that this is an appalling thing to have happened to Miss R. She was treated with an extraordinary degree of cynicism and cruelty by the man who defrauded her and I have a great deal of sympathy for her and everything she's been through. However, my role here is limited to looking at the actions and inactions of the bank. And while I know that my decision will be enormously disappointing to her, I'm not persuaded that I can uphold her complaint.

The starting point under the relevant regulations is that Miss R is liable for any payments she's authorised. However, that's not the end of the story. As a matter of good industry practice, I'd expect it to be on the lookout for account activity that was unusual or out of character that might have indicated that one of its customers was at risk of financial harm due to fraud. On identifying such activity, it was expected to intervene in a manner that was proportionate to the risk. In this case, Miss R's second transfer was for £100,000 and to an international account. In those circumstances, I certainly think Barclays ought to have intervened and spoken with her to satisfy itself that she wasn't at risk of fraud. From the evidence I've seen, it didn't do enough in response to that payment.

However, in order to find in Miss R's favour, I also need to be persuaded that Barclays' failing was the cause of her loss. That means I need to ask myself whether there is sufficiently strong evidence to show that it's more likely than not that, "but for" the failing on the part of Barclays, the loss would not have occurred.

To work this out, I need to consider what would have happened if Barclays had handled things differently. It ought to have contacted Miss R and asked her about the payment. It should also have given her general guidance about the prevalence and risk of fraud and scams. Unfortunately, however, I agree with the conclusions of the Investigator that, even if had done so, it wouldn't have prevented her from making the payments. At that point in time, she would've been able to give a satisfactory explanation as to the purpose of the payment – she was buying a property in another country with the intention of living there. I also think it's unrealistic to expect that warnings from a frontline employee of the bank would've changed her mind about a relationship that she was psychologically invested in.

Miss R has argued that it is equally possible that she'd have re-evaluated her options if an employee of the bank had raised the possibility of fraud with her. I understand the point she's making. It's *possible* that she might have reacted in that way, but I don't think it's equally likely. The evidence needs to show that it's more likely than not that she would've acted differently. Unfortunately, the evidence supporting that argument simply isn't strong enough.

For completeness, I've also considered whether Barclays did everything it should've done once Miss R told it she'd fallen victim to a scam. The evidence I've seen suggests it's unlikely that any recovery of funds would've been possible. I say that because I can see that the funds that were transferred to the UK account were promptly moved on. I think it's highly likely the same thing will have happened in connection with the overseas bank too.

I don't say any of this to downplay or diminish the seriousness of what has happened here, and I understand the strength of feeling Miss R has about her complaint. But as much as I'm

sorry to have to give her such bad news, I'm afraid I'm unable to uphold her complaint.

**Final decision**

For the reasons I've explained above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R to accept or reject my decision before 12 September 2023.

James Kimmitt  
**Ombudsman**