

The complaint

Miss A complains about Bank of Scotland plc.

She says that Bank of Scotland didn't do enough to protect her when she became the victim of a scam and would like Bank of Scotland to refund her the money she has lost as a result.

What happened

Miss A was looking to purchase a new car and came across an advert on Facebook marketplace where a supposed seller was advertising a car. Miss A thought that the car was good value and responded to the advert.

The seller told Miss A that they were living in Finland, and that they wanted a quick sale of the car – they told Miss A that the car was with a logistics company, and that she would have the car for seven days to inspect it, and if she wasn't satisfied that she could return the car.

Miss A agreed to pay £4,880 to an agent of the shipping company for the car and shipping costs.

Unfortunately, Miss A had fallen victim to a scam, and never received the car.

Miss A complained to Bank of Scotland, but it didn't uphold her complaint. She then brought her complaint to this service.

Our investigator looked into things and thought that Miss A's complaint should be upheld under the Lending Standards Board (LSB) Contingent Reimbursement Model (CRM Code) (of which Bank of Scotland is a signatory). However, they also found Miss A should have applied more caution than she did. They said that Bank of Scotland should share responsibility for the loss with Miss A on a 50% basis.

Bank of Scotland agreed with this outcome, but Miss A did not and asked for an ombudsman to make a final decision, so the complaint has been passed to me.

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'm upholding this complaint for broadly the same reasons as our investigator.

The facts of the complaint are well known to both parties so I won't repeat them here – however to be clear it has already been established that Miss A has been the victim of a scam, and that Bank of Scotland has agreed with our investigators opinion on what it should do to put things right under the CRM code.

Therefore, the only point left for me to decide, is if Miss A should share responsibility for the

loss with Bank of Scotland -and if she had a reasonable basis for belief in the scam.

Having considered this carefully, I am of the same mind as our investigator, and find that while Miss A did do some due diligence, there were enough red flags available that should have prompted Miss A to conduct further checks which I think would have uncovered the scam.

In particular, I think Miss A should have paid more attention to the following facts;

- The Facebook account Miss A was liaising with was recently opened
- The car Miss A was attempting to purchase was valued at over £11,000, however, the 'seller' was willing to part with the vehicle for £4,880 including delivery
- Miss A was directed to contact a logistics company to arrange delivery – however a google search of the legitimate logistics company shows that it was a medical supply and training company
- Miss A was directed to pay an individual, not the logistics company – and there were no links between the two
- At no point did Miss A see any proof of ownership of the car such as the V5.

Had Miss A paid more attention to these facts and investigated further, I think that she would likely have discovered that she was being scammed. And so, I think it is fair that responsibility for the loss should be shared on an equal basis between Miss A and Bank of Scotland.

Putting things right

Bank of Scotland plc should pay Miss A 50% of the loss. I calculate this to be £2,440.

On top of this, Bank of Scotland should also pay Miss A 8% simple interest on this amount from the day of the payment until settlement (less any lawfully deductible tax).

My final decision

I uphold this complaint,

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss A to accept or reject my decision before 7 February 2024.

Claire Pugh
Ombudsman