

The complaint

Miss P complains National Westminster Bank Plc didn't do enough to protect her when she fell victim to a scam.

What happened

Miss P has an account with NatWest and has done so for over 10 years. She has accounts elsewhere too.

In 2020 Miss P says she received a message from someone on social media commenting on her profile and pictures. She says she started speaking to this person for a couple of weeks and that they got on really well, so they moved their conversation to another platform. She says they carried on talking and that she checked that the person she was talking to was genuine. Miss P says they messaged and spoke regularly, but that they weren't able to video call each other as the person she was speaking to said their camera was broken.

Miss P says that the person she was speaking to asked her if she could help him transfer money from his account as he was abroad and unable to access it. This was three months after they'd started speaking. Miss P says he gave her his account details, but that she wasn't able to make the transfer. She could, however, see he had a healthy balance. So, at his request, she sent him money from her own account on the basis that he'd repay her when he returned from abroad.

Miss P says the person she was speaking to told her his account had been blocked and his funds seized when he returned home. She says that he asked her to send him more money – for a range of different reasons – over the next two years or so. In total, she sent him twenty-two payments totalling just over £26,600. Miss P says she took out several loans to help do so and used up savings. She says his account was frozen throughout this time.

Miss P says she began to suspect she had been scammed when the person she spoke to didn't repay her despite repeatedly saying he would. In April 2023 Miss P contacted NatWest to say that she believed she'd been scammed.

NatWest looked into Miss P's claim and said that it was too late to chargeback any of the card payments she'd made and that it had no reason to question the payments. So, it wasn't going to refund her. Miss P was unhappy with NatWest's response and complained with the help of a representative. They said that NatWest had only intervened once to block one of the larger payments she wanted to send but hadn't otherwise intervened when it should have done. NatWest looked into Miss P's complaint and said it had done nothing wrong. So, Miss P's representative complained to our service.

One of our investigators looked into Miss P's complaint and said that they didn't think the card payments she had made were particularly unusual or suspicious compared to her normal account usage, so didn't indicate to NatWest that she was possibly falling victim to a scam. And, as Miss P hadn't interacted with NatWest's staff at the time, didn't think an opportunity to identify that payments were being made in relation to a scam hadn't been missed. The same applied to the transfers Miss P made. So, they didn't recommend that the

complaint be upheld.

Miss P's representatives accepted that the payments Miss P had made between October 2020 and October 2021 weren't impactful enough to warrant intervention. But they said that NatWest should have intervened when she tried to transfer £4,500 on 13 October 2021 and that had it done so the scam would have come to light. So, they thought a more reasonable outcome was to share liability on a 50 / 50 basis from that point onwards.

Our investigator disagreed saying that by 13 October 2021 Miss P was sending money to a payee who'd been established for 10 months with no concerns raised and the pattern before and after wouldn't have suggested that Miss P was falling victim to a scam. So, they still didn't think NatWest should have intervened. Miss P's representatives disagreed and asked for the complaint to be referred to an ombudsman for decision. Miss P's complaint was, as a result, 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.

I agree with our investigator that none of the payments that Miss P actually made were sufficiently unusual or suspicious to warrant an intervention from NatWest. That's in part because none of them were particularly large when compared to Miss P's normal account usage and in part because they were spread out over a long period of time. Miss P's representatives appear to have accepted this – at least up to and including a payment for £4,500 that Miss P made on 13 October 2021. Miss P's representatives say NatWest should have intervened when she made that payment. That payment was made to a beneficiary that Miss P had set up 10 months previously and to whom she'd already sent seven payments totalling £4,500 without raising any concerns. So, I don't think that payment would have seemed unusual or suspicious to NatWest. In short, I agree with our investigator that this payment wasn't one that should have triggered an intervention.

In September 2022, I can see that Miss P attempted to send the person she was speaking to £8,000 via a payment processing company. This was not only an unusually large transaction for Miss P but was also a payment to a new recipient. I can see that NatWest blocked the payment – as I would have expected it to do so – and spoke to Miss P to find out more about the payment including asking her who the payment was going to, what the purpose of the payment was and why the person was asking Miss P to send it. I've listened to a recording of that call and can see that Miss P told NatWest that this payment was to a friend who'd she'd known for years and trusted and that although she doesn't see them often they do see each other every now and then. I can also see that Miss P told NatWest that the payment was to help with the cost of some surgery his friend's mother was having. The agent Miss P was speaking to said that they were concerned that she was being scammed. They also said that NatWest wouldn't be able to release the payment until she sent in evidence from her friend showing the cost of the surgery. For example, a bill. I can see that Miss P was unhappy about this and said it was her money so she should be able to do what she wanted with it. Miss P's representatives have confirmed that she ended up sending the money from an account she holds elsewhere – she wasn't asked questions. I accept that Miss P thought she was helping a friend and that she has more likely than not been scammed. But I do think this shows how difficult any intervention by NatWest would have been in this case.

I can see Miss P managed to recover some of the money that she sent following NatWest's involvement. Most of the money had, however, already gone. I accept that Miss P has seemingly been scammed out of a significant amount of money over the years. It wouldn't, however, be fair in this case to hold NatWest liable for that as there was little, if anything, it

could have done to help. In the circumstances, I agree that this complaint isn't one we can uphold.

My final decision

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss P to accept or reject my decision before 28 February 2024.

Nicolas Atkinson
Ombudsman