

The complaint

Mr A complains Bank of Scotland plc didn't do enough to protect him when he fell victim to a job scam.

What happened

Mr A has an account with Bank of Scotland – which he normally used as a savings account – and an account elsewhere. He's had the help of a representative bringing this complaint.

Mr A says he was looking for a new job as he'd been given notice by his employer and wanted to make extra income. He says he received a message on a well-known social media app from someone who said they were from a well-known recruitment firm. He says they introduced him to an opportunity to earn money and commissions completing tasks.

Mr A says the job involved buying cryptocurrency and sending it to a platform to simulate purchases of goods. He says he started off buying cryptocurrency using his account held elsewhere, but after a week or so that bank said that it wouldn't let any further payments go through and that he was free to try another bank if he wanted to. So, Mr A started transferring money into his account with Bank of Scotland and sending payments from there.

Mr A says he sent six payments on 20 April 2023 from his Bank of Scotland account to cryptocurrency sellers and sent the cryptocurrency he bought to the platform he'd been shown. He sent approximately £11,000 to cryptocurrency sellers. Mr A says he realised he'd been scammed when he was unable to withdraw his money from the platform. His representative complained to Bank of Scotland saying it hadn't done enough to protect him.

Bank of Scotland looked into what had happened and said that it couldn't refund the money Mr A had lost for a number of reasons. Bank of Scotland said that any losses Mr A had made had happened after he'd purchased cryptocurrency – in other words, after the money had left his account – so it couldn't be liable for that. And Bank of Scotland also said that it had spoken to Mr A twice to check the payments he was making and based on the answers he'd given it couldn't have been expected to do more. Mr A's representatives complained and ultimately referred this case to our service.

One of our investigators looked into Mr A's complaint and said that they didn't think Bank of Scotland could fairly have been asked to do more. Mr A's representatives asked for copies of the two calls Mr A had with Bank of Scotland – given that our investigator had said that Bank of Scotland had done everything it fairly should have. His representatives said that they didn't think Bank of Scotland had asked sufficiently probing questions having listened to the calls. Mr A's complaint was referred to an ombudsman for a decision and 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.

Our investigator has set out in detail why they don't think Bank of Scotland could reasonably

have been asked to do more in this case. I agree with them that, for example, Bank of Scotland should fairly and reasonably have systems in place to ensure that its customers aren't at risk of harm. And I agree too that the transactions that Bank of Scotland spoke to Mr A about were both potentially unusual given Mr A's normal usage of his account which, as should be obvious from what I've said above, was limited. I don't think I have much to add to what our investigator has already said on these points. More importantly, in my opinion the crux of this case is whether or not Bank of Scotland did what we'd fairly and reasonably expect when it intervened. I agree with our investigator that it did, and I'll explain why.

Bank of Scotland spoke to Mr A twice on the phone about the payments he was making. He answered Bank of Scotland's questions confidently and seemingly openly, explaining that he'd just started investing in cryptocurrency – and that one of his cousins had been trading in cryptocurrency for over two years and had shown him how to, and was happy to answer any questions he might have – and that after making a number of payments successfully his other bank had said they wouldn't process any further payments, but he was free to go elsewhere. Mr A made it very clear throughout the calls that he was aware of the risks of investing in cryptocurrency, that he wasn't been scammed and, importantly, that there was no third party asking him to make payments. At no point in the calls did Mr A say that he was buying cryptocurrency as part of a job, that he'd been recruited over social media and that he had to perform tasks. Everything he said indicated that he was simply trading in cryptocurrency and knew it was a high-risk investment and that he could lose all of his money. Based on everything Mr A said, I agree with our investigator that Bank of Scotland gave him the warnings we'd expect and asked him the questions we'd expect.

Given what I've said, I agree with our investigator that it wouldn't be fair to ask Bank of Scotland to do more. So, I'm not going to uphold this complaint. I appreciate that Mr A has been the victim of a scam – and I can see why he found what he saw convincing. He thought he was dealing with a well-known recruitment firm, and he was tricked into believing the opportunity was a genuine way of earning money which at the time would have been very welcome. Ultimately it's the scammer in this case that is in the wrong.

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 Mr A to accept or reject my decision before 22 February 2024.

Nicolas Atkinson
Ombudsman