

## **The complaint**

Miss C complains that Santander UK Plc won't refund the money she lost when she was the victim of a scam.

## **What happened**

In late 2017, Miss C says she met a mechanic working at her local garage. She says they approached her about an opportunity to invest in an armoured vehicle they would be modifying and then selling abroad for a profit. And as the mechanic had carried out work on her car previously, and said they had successfully sold other modified cars for profit, Miss C agreed to invest.

Over the next several years, Miss C then made a number of payments from her Santander account to the account details the mechanic gave her, which she says she was told were to purchase the vehicle and to pay for new parts.

Unfortunately, Miss C says she never received her money back from the mechanic or any profit from any vehicle they sold. And in June 2023, the mechanic told her the vehicle had been seized and all her money was lost. Miss C then reported the payments she had made to the mechanic to Santander as a scam, and asked it to refund the money she had lost.

Santander investigated but said the payments were set up using Miss C's correct online banking details and validated using biometrics. It also said it didn't think this was a true scam as Miss C knew the person they sent the money to. So it didn't agree to refund the money Miss C had lost. Miss C wasn't satisfied with Santander's response, so referred a complaint to our service.

One of our investigators looked at the complaint. They said Miss C had only provided limited evidence of what happened, and so they didn't think there was sufficient evidence of what the payments were for or that she was deceived into making them. So they didn't think Santander should have to refund the payment Miss C had made. Miss C disagreed with our investigator, 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 don't think it would be fair to require Santander to refund the payments Miss C made here. I'll explain why below.

Before our service considers whether a bank has done enough to protect its customers, we must first be satisfied that a customer has been the victim of a scam. But despite requesting evidence from her on a number of occasions and giving her sufficient opportunity to provide it, I don't think we have enough information or evidence from Miss C here to safely conclude that she has been the victim of a scam.

From what I've seen, it appears there are some differences between what Miss C told Santander about the circumstances surrounding these payments and what she told our service – specifically about her relationship with the mechanic before any of the payments were made. And while I appreciate that a significant period of time has passed since she first met the mechanic, and that reporting the circumstances of a scam can be sensitive and distressing for victims, I think these differences mean I must be cautious when relying on what Miss C has said.

Miss C has sent us a number of screenshots of text messages between her and the mechanic, but she hasn't been able to send us transcripts of the entire message chains and so I haven't been able to see all the messages between her and the mechanic. The screenshots she's sent us have also been sent in several batches over a number of months, rather than all being sent at once, but it's not clear why Miss C wasn't able to find all these screenshots at the same time. And the screenshots appear to be of a number of non-sequential messages from varying periods of time throughout her relationship with the mechanic, so it's not clear why Miss C has been able to provide screenshots of these messages but not others.

The messages Miss C has sent us also don't show any clear evidence of what it was agreed she would be investing in, or any requests for payments from her by the mechanic or details of what these payments would be used for. And the messages in the screenshots don't mention an armoured vehicle in any detail, but do mention work on a number of other vehicles – which appears to contradict what Miss C has said the payments she made were for.

I understand Miss C has said much of her communication with the mechanic was over the phone and that it's not possible to provide evidence of what was said in these calls. But I don't think it's unreasonable to expect her to have been able to provide more complete evidence of what she says happened than she has been able to. And, based on what we do have available, I don't think we have clear evidence of what Miss C was told she was investing in or what the payments she made from her Santander account were for.

So I don't think I can safely conclude that Miss C has been the victim of a scam. And so I don't think it would be fair for me to require Santander to refund any of the payments she made here.

## **My final decision**

For the reasons set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss C to accept or reject my decision before 10 May 2024.

Alan Millward  
**Ombudsman**