

## **The complaint**

Mrs V complains that Revolut Ltd hasn't refunded payments she made after falling victim to a scam.

## **What happened**

The background to this complaint is well-known to both parties. I'll summarise the key facts here, rather than going into extensive detail.

Mrs V fell victim to a fake job scam. She was asked to complete tasks in return for commission. And she was also asked to make purchases using cryptocurrency. This led to her using her debit card to buy cryptocurrency through an online platform, which was then sent on to the scammer.

Mrs V could see she was earning commission through her account with the supposed employer. She's said how she was even able to withdraw funds at one time. But when she tried to withdraw again later, she couldn't, and realised she'd been scammed. She reported what had happened to Revolut.

Mrs V had sent a total of £2,470.94 over three days, across five transactions, with the largest payment being £1,287.95.

Revolut looked at what had happened and told Mrs V it wouldn't refund her. It couldn't raise a chargeback because Mrs V had authorised the payments and received what she paid for (the cryptocurrency).

Revolut considered whether there was any other reason it ought to refund Mrs V. In doing so it thought about the nature and pattern of transactions. But it said it had no reason to be concerned at the time and so wouldn't refund once the scam was revealed.

Mrs V was unhappy with Revolut's response and so brought her complaint to the Financial Ombudsman Service. One of our investigators considered the facts and didn't uphold the complaint. He thought Revolut had acted fairly and reasonably in the circumstances. He agreed a chargeback wouldn't have been successful and so Revolut had been right to not raise one.

And he didn't believe the transactions made by Mrs V were so unusual that Revolut ought to have intervened at any point. Mrs V disagreed and asked that an ombudsman review the complaint.

## **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'm sorry to hear Mrs V has fallen victim to a cruel scam, and I don't doubt the financial and emotional impact these events have had on her. But I can't see that Revolut has acted unfairly or unreasonably here and so I'm not upholding Mrs V's complaint. I'll explain why.

Mrs V is responsible for any transactions made from her account which she authorises. That remains true even where payments are made under false pretences, such as where a scam has taken place. This responsibility is established in the Payment Service Regulations (2017). Those regulations also confer on Revolut a legal duty to execute a customer's payment instructions quickly, and with minimal friction.

There are times when it might be fair and reasonable for a firm like Revolut to pause or stop a valid and authorised payment instruction. It's accepted best practice and industry standard for firms like Revolut to monitor accounts for signs that a customer might be at risk of financial harm through fraud.

But, in Mrs V's case, I can't say the payments appeared so unusual or suspicious that Revolut ought to have overridden its duty under the PSR's. Whilst there were five payments made in fairly quick succession, I don't think that alone is enough to say Revolut ought to have intervened.

When considering the payment values, it is the case that none are particularly large. That isn't to say the loss to Mrs V isn't significant. But I'm not persuaded the value – and other collective features of the payments – mean that Revolut ought to have suspected Mrs V was at risk of financial harm.

I've also considered whether a chargeback ought to have been raised by Revolut. I'm satisfied it needn't have done so. A chargeback isn't a legal right for a customer. Each chargeback scheme is governed by rules set by the relevant card scheme. And a firm like Revolut should only raise a chargeback claim if there is a reasonable prospect of success.

Here, there was no such prospect. Mrs V purchased cryptocurrency and received it. And so the transaction was legitimate, and she received what she paid for. That she did so as part of a scam doesn't alter the likely outcome of a chargeback claim; it still wouldn't have succeeded.

### **My final decision**

I don't uphold this complaint against Revolut Ltd.

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

Ben Murray  
**Ombudsman**