

The complaint

Mrs V has complained Revolut Ltd won't refund money paid from her account to a cryptocurrency account.

What happened

Mrs V has three main accounts with different financial institutions. I'll be calling these B, N and Revolut.

Mrs V told us she'd received a call from someone saying they were from B and that her account had been compromised. She would need to go into her branch and get the account unblocked. Mrs V did this, got her account unblocked and sent £10,000 to her Revolut account in-branch.

She then got a call from someone saying her account with Revolut had also been compromised. In response to questions from this person, Mrs V confirmed how much money was in her account and then told us she didn't log into her account for the time period the person on the phone requested. This was a number of days. A further call was received and in response Mrs V transferred money from her account with B to Revolut. Mrs V tells us she was scammed into giving away the authorisation codes Revolut sent her.

From 8-15 December 2022 ten payments were made from Mrs V's Revolut account to a cryptocurrency account. These total well over £25,000.

Mrs V asked Revolut to refund these transactions as she'd not made or authorised these. Revolut wouldn't refund her as they believed these had been authorised by Mrs V.

Mrs V brought her complaint to the ombudsman service. Our investigator reviewed the evidence including customer contact information and statements shared by B. Overall he wasn't convinced Mrs V had been the victim of a scam.

Mrs V, through her representatives, disagreed with this outcome and have asked an ombudsman to review Mrs V's 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.

Having done so, I've reached the same outcome as our investigator. I'll explain why.

Where there is a dispute about what happened, I have based my decision on the balance of probabilities. In other words, on what I consider is most likely to have happened in the light of the evidence.

When considering what is fair and reasonable, I'm required to take into account: relevant law and regulations; regulators' rules, guidance and standards; codes of practice; and, where appropriate, what I consider to have been good industry practice at the relevant time.

The regulations which are relevant to Mrs V's complaint are the Payment Services Regulations 2017 (PSRs). These primarily require banks and financial institutions to refund customers if they didn't make or authorise payments themselves. Other aspects do on occasion apply, but nothing here that specifically applies to Mrs V's complaint.

To help me come to a decision, I've reviewed the evidence Revolut, and Mrs V's other banks, provided as well as what Mrs V, through her representatives, has told us.

I believe these disputed transactions were carried out by Mrs V. I say this because:

- Mrs V was first contacted on 7 December. She's told us she provided the one-time passcode which enabled her Revolut card to be set up on Apple Pay.
- I accept Mrs V's representatives later confirmed the first contact she got was on 7, and not 8, December from someone pretending to be from B. Like our investigator, I believe it is an error to suggest that there is a particular kind of payment behaviour that is obviously fraudulent in type. However this scam lasted over a week when all that was happening was payments being made from two accounts to the Revolut account then many payments – also spread over a period – being made to a cryptocurrency account.
- The first payment to the cryptocurrency account was made on 8 December despite Mrs V not getting contact from someone pretending to be from Revolut until five days later. At this stage Mrs V was accessing her Revolut app regularly so I find it difficult to believe she wouldn't have noticed this transaction for £400.
- We do see some fraud trends. So, for example, in a case where an individual holds three different accounts when the scammer doesn't know how much is held in those accounts, I'd expect to see attempts made to empty all three accounts. Mrs V admits she told the scammers she held an account with N but she wasn't told to move any money from that account. She made that decision herself and moved money from there to Revolut which enabled further payments to be made to the cryptocurrency account. But I also see £10,000 being credited to her account with N on 12 December 2022.
- Although Mrs V's Revolut account was emptied, it's clear that her account with B wasn't. There was sufficient money left in that account to allow Mrs V to continue to operate this normally until her next salary payment was received. That is unusual.
- Evidence provided by Revolut shows Mrs V's having daily access to her Revolut app on the mobile device registered to her account. I believe it would have been difficult for her to miss the large-value transactions being made to the cryptocurrency account. Particularly as these follow large-value payments she made from her account with B to her Revolut account with the aim of keeping her money safe. I'd have therefore expected her to be paying close attention to the money in her account.
- B has shown Mrs V did go to branch and spoke to the fraud team to get her account unblocked. This followed an unknown device – which Mrs V said she didn't recognise – attempting to link to her account. Mrs V then made a high-value payment from her account with B to Revolut. She has told us the cashier merrily suggested the payment reference to include. Since this followed an attempt at compromising Mrs V's account sufficiently for B to block her account, I'd be surprised this was all done in such a cavalier manner unless Mrs V was adamant that's what she wished. B's customer notes suggest Mrs V knew what she wanted and a couple of days later

she was concerned about a payment being delayed enough to complain to B. Based on the fact Mrs V was supposedly concerned her account with B wasn't safe, I find her behaviour unusual.

I can't be sure exactly what was going on here but what seems to me to be Mrs V's deliberate actions and transfers between bank accounts and payments from Revolut to a cryptocurrency account over a number of days suggest she was making these transactions herself rather than being the victim of a scam.

I'm not going to ask Revolut to do anything further.

My final decision

For the reasons given, my final decision is not to uphold Mrs V's 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 25 March 2024.

Sandra Quinn
Ombudsman