

## **The complaint**

Mr H complains that Starling Bank Limited hasn't refunded payments he says he made due to a romance scam.

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat them again here in detail. The facts are not in dispute, so I'll focus on giving the reasons for my decision.

Mr H has explained he fell victim to an investment scam and as part of this he befriended someone in the scam group chat. He then became the victim of a different scam, where, after forming a romantic relationship with this person, he was blackmailed and extorted for funds by their 'employer'. Amongst other things, he understood his relationship with the lady had led to her imprisonment and he had to pay funds for her release. The disputed amounts range from £0.72 to £6,950.13.

Starling didn't uphold his complaint and neither did our investigator. Mr H asked for an ombudsman to review his case.

## **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 decided not to uphold the complaint for these reasons:

- To be able to uphold Mr H's complaint, I need to be satisfied that the payments he's reported to Starling were made due to a scam. Mr H has provided no contemporaneous evidence this is the case.
- Mr H has only been able to provide his and his son's testimony, and a letter from his social care team from 2021 setting out a plan for his care. We don't hold any evidence that *shows* the purpose of the payments; or that they were all sent due to a scam; or that Mr H didn't receive something at the time for these funds.
- There is a code that is designed to help scam victims receive a refund if they paid by faster payment, as some of the payments are here. But without anything to show the situation Mr H has described actually took place; or what he understood the purpose of each payment was, I can't fairly say this code applies to his payments, so that he could be considered for a refund.
- Mr H also sent payments via his debit card. But he complained too late to recover any funds via chargeback – the recovery option for these type of payments. And without evidence of what Mr H thought he was paying for, these claims were also very unlikely to be successful.
- Mr H's representatives have argued Starling should've intervened on the payment he

sent on 23 February 2021 for £6,950.13. This is a high value, unusual payment for him, so I accept an intervention would've been appropriate. But I can't be sure what Mr H would've said at the time, as we don't hold the evidence we need to show why he was making this payment.

- Mr H's testimony is that he was making this payment due to him being blackmailed and in order to release the person he was in love with from prison. So if I accept this was the case, I then can't see how an intervention from Starling would've prevented it. And there are no other payments I think it ought to have intervened on.
- Mr H's representatives have explained why he fell for this scam and found it so plausible. But they have said an intervention at the above point could've stopped things. However, as per Mr H's own testimony, this payment wasn't requested early on in the relationship. Mr H was willing to send this sum of money, because of how concerned he was, the strength of his feelings and how genuine he thought the situation was.
- Mr H was being blackmailed and was afraid of both what would happen to his partner and what the blackmailer would do. I therefore think it's unlikely he'd have been honest with Starling at this point, instead he'd have done whatever was needed to make the payment, so an intervention wouldn't have unravelled the scam. Mr H's family have explained that even after they discovered what was going on and took his devices, he bought new ones to continue to communicate with the scammers, as he was so convinced it was real.

Ultimately, Mr H has told us that him and his family have deleted everything that would evidence the disputed payments were made due to a scam. Considering the situation he's described; I can understand why they chose to do this. However it wouldn't be fair for our service to direct Starling to refund the disputed funds when Mr H can't provide anything to show this scam happened, or any contemporaneous evidence which supports the reasons he's given for sending these funds.

### **My final decision**

For the reasons set out above, I don't uphold Mr H's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 24 April 2024.

Amy Osborne  
**Ombudsman**