

The complaint

Mr B complains that Barclays Bank UK PLC won't refund the money he lost when he was the victim of a scam.

What happened

In February 2023, Mr M says he saw a watch he was interested in buying advertised on an online auction website. He says he contacted the seller, agreed a price for the watch and sent a number of payments from his Barclays account to the account details the seller gave him in order to pay for it. But he was then sent a watch which he now knows is a fake. Mr M then reported the payments he had made to Barclays as a scam and asked it to refund the money he had lost.

Barclays investigated but said it didn't have enough information to assess Mr M's claim and asked him to contact its scams team so it could look into it further. It also paid Mr M £100 as compensation for not logging a scam claim for him when he contacted it previously. Mr M wasn't satisfied with Barclays' response, so referred a complaint to our service.

One of our investigators looked at the complaint. They didn't think the available evidence suggested Mr M had fallen victim to a scam. So they didn't think it would be fair to require Barclays to refund the money he said he had lost. Mr M 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 Barclays to refund the money Mr M says he lost. 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 him on a number of occasions and giving him sufficient opportunity to provide it, I don't think we have enough information or evidence from Mr S here to safely conclude that he has been the victim of a scam.

During our investigation of this complaint, Mr M has given a number of conflicting explanations about how he found out the watch he was sent was fake. He initially said he took it to be authenticated and was told it was fake. But the evidence he sent us to support this showed this authentication was done when he tried to sell the watch himself. Mr M then told us he realised the watch was fake when he received it and so sold it again so that it would be authenticated. But he then later also said he still thought the watch was legitimate when he later tried to sell it.

It's not clear why Mr M has given different explanations about what happened. And while I appreciate that he has said he is suffering with his mental health and has been struggling

since the scam, I think these conflicting explanations mean I must be cautious when relying on what he has said.

There are also discrepancies between the evidence Mr M has sent us at different points of our investigation of his communication with the person selling the watch – with evidence he sent us later on suggesting some of the messages between them had been omitted from the earlier evidence he sent us. Some of the things he has told us the seller said to him are not supported by the evidence of their communication he has sent us. And I think some of the things Mr M says in the messages to the seller about how he confirmed the watch was fake are implausible or further contradict what he has told us.

I also don't think we have clear evidence that the watch found to be fake when Mr M was selling it, is the same watch he bought with the payments he made out of his account – and so that Mr M has actually suffered a loss here.

I recognise that some time has now passed since this all happened, and that it is not always possible to recover evidence of everything that took place some time ago. But I don't think it is unreasonable to expect Mr M to have been able to provide more complete evidence of what he says happened here than he has been able to.

And so, based on the available evidence here, I don't think I can safely conclude that Mr M has been the victim of a scam or that it would be fair for me to require Barclays to refund any of the payments he made.

Barclays has paid Mr M £100 as compensation for not logging a scam claim for him when he initially contacted it. And from what I've seen of the circumstances here, I think this is fair and reasonable compensation for the distress and inconvenience this error caused Mr M and I don't think it would be fair to require Barclays to pay anything further.

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 Mr B to accept or reject my decision before 19 April 2024.

Alan Millward
Ombudsman