

The complaint

Mr P complains about Bank of Scotland plc trading as Halifax.

He says that Bank of Scotland didn't do enough to protect him when he became the victim of a scam and would like it to refund him the money he says he has lost.

What happened

Mr P used to own a business where he would buy and sell tickets for events. Although he no longer had the business. Mr P says he would still receive requests for help.

A group of people contacted him for help in purchasing tickets for a two-day event. Mr P contacted an individual he used to work with to see if she could help – and she explained she was advertising tickets for a third party.

Trusting the contact, Mr P transferred money which had been given to him by the people looking for tickets. In total, a sum of £3,300.

Unfortunately, the 'tickets' were not as they seemed – on the first day of the event, the individuals attending were not admitted in the usual way which made them uneasy. On the second day, they were provided with high-vis jackets and passes but were not admitted to the venue.

Unhappy, they contacted Mr P, and he realised that this was a scam. He decided to repurchase tickets from a verified re-sale site, but the cost was much higher due to it being so close to the event.

Mr P says that he has been left out of pocket as he had to refund those who just wanted their money back, and rebuying legitimate tickets for those still wanting to attend.

He made a complaint to Bank of Scotland. It refunded him £1,250 – 50% of three payments Mr P made but declined to refund any of the initial £800 payment or reimburse him for the cost of the legitimate tickets, and refunds he gave to some individuals. It later said that it should not have actually refunded any of the funds to Mr P, as it didn't think Mr P did enough to verify what he was buying, but that it wouldn't seek to reclaim the funds it had already paid to him.

Mr P then brought his complaint to this Service. Our Investigator looked into things but didn't think that Bank of Scotland needed to do any more than it had already done. They explained that the Mr P's hadn't suffered a loss – the loss was to the people who had paid him to purchase the so-called 'tickets' They also explained that it was Mr P's choice to purchase the higher cost tickets – which were legitimate, and not a scam, and to refund the people who had lost his money.

Mr P asked for an Ombudsman to make a final decision, 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've decided not to uphold this complaint for broadly the same reasons as our Investigator. I know this will be disappointing for Mr P, so I will explain why.

Looking at the information available, it is clear that the money Mr P paid for the supposed tickets was not his own money, rather money that was paid to him by others. Therefore, the loss from the scam was not Mr P's, but the people that provided him with the funds. I am therefore unable to say that Mr P has directly lost money to the scam itself.

While I understand that Mr P paid out further funds to secure legitimate tickets, and refunded some of the individuals effected, these losses are not directly caused by the scam – but a separate choice made by Mr P. So, I can't ask Bank of Scotland to refund him for this.

I do have sympathy for the situation Mr P has found himself in – he trusted an individual who turned out not to be as trustworthy as they seemed. But in these circumstances, I can't ask Bank of Scotland to make any further payment to him.

My final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 31 October 2024.

Claire Pugh
Ombudsman