

## **The complaint**

Mr R complains that Santander UK Plc won't refund the money he lost to an investment scam.

The details of this complaint are well known to both parties, so I won't repeat everything again here. Instead, I'll focus on giving the reasons for my decision.

## **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 agree with the conclusions reached by the investigator for the following reasons:

- It isn't in dispute that Mr R authorised multiple payments totalling £4,062 from 4 November 2023 to 23 November 2023 from his Santander account to one of his other accounts with a Payment Service Provider ('PSP'). He believed he was making payments to fund an investment opportunity. The payments were requested by him using his legitimate security credentials, and the starting point is that banks ought to follow the instructions given by their customers in order for legitimate payments to be made as instructed.
- However, I've considered whether Santander should have done more to identify that Mr R could be falling victim to a scam, as there are some situations in which a bank should reasonably have had a closer look at the circumstances surrounding a particular transaction. For example, if it was particularly unusual and out of character.
- Having considered the disputed payments, I don't think they were particularly unusual or suspicious in appearance. They were made to Mr R's own account over the course of a few weeks in smaller payments. Although some payments were made on the same day, this wasn't uncommon for Mr R as he'd made multiple undisputed payments on the same day for larger amounts before. The individual value of the payments were relatively low when compared to Mr R's normal account spend and I don't think Santander would have concluded an unusual pattern of spend was emerging. I don't think Santander would reasonably have suspected that Mr R could be falling victim to a scam and so I don't find that it was required to contact him prior to approving his payment requests. I don't think it missed an opportunity to prevent his loss.
- As the payments were made via debit card, Santander's only option to recover them would have been via the chargeback scheme. I've noted Santander didn't pursue chargeback claims and I don't think this was unreasonable. Mr R didn't pay the scammers directly and the account he did pay belonged to him. Any funds available in this account would be accessible to him. Had Santander attempted a chargeback claim, it's likely this would have been defended as the service provided was a money

transfer one and this was provided as described. I therefore don't find that Santander acted unreasonably by choosing not to pursue chargeback claims on Mr R's behalf.

I appreciate my outcome will come as a disappointment to Mr R and I'm very sorry to see he's lost money to cruel scammers. But I don't think Santander can be reasonably held responsible for his loss for the reasons I've already explained.

### **My final decision**

My final decision is, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 9 July 2024.

Dolores Njemanze  
**Ombudsman**