

The complaint and background

Miss M complains Santander UK Plc won't reimburse £12,970 that she lost when she fell victim to an employment scam.

Our investigator didn't uphold the complaint. Although she found Santander ought to have enquired better the payments, she wasn't persuaded that would have prevented Miss M's loss. That was because during an intervention from another bank 'M', Miss M wasn't truthful about what was going on, even though it asked her if she was making the payment as part of a commission-based opportunity or job – which Miss M denied.

Miss M sought guidance from the scammer on what to do. Given the level of coaching, our investigator wasn't persuaded a better intervention or warning would have prevented the loss.

Miss M's representative asked for the matter to be referred to a decision. It said Santander holds the responsibility of being the expert and professional in the relationship. It should have intervened fully, and just because Miss M was being coached by the scammer that should not free Santander from any liability.

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 investigator's conclusions for the following reasons:

- It isn't in dispute that Miss M authorised the transactions in question. She is therefore presumed liable for the loss in the first instance. However, Santander is aware, taking longstanding regulatory expectations and requirements into account, and what I consider to be good industry practice at the time, that it should have been on the look-out for the possibility of fraud and made additional checks before processing payments in some circumstances.
- Given the amount of the first two payments was small, I'm not persuaded there is anything about these payments, even if going to crypto, that ought to have looked suspicious to Santander. However, payment three clearly did look suspicious to Santander as it blocked the payment, and it asked Miss M a series of questions about it.
- I do think Santander could have asked more and better probing questions of Miss M about the payment she was making during the call, given the answers she provided to it. But I'm not persuaded that would have prevented her loss.
- Miss M had already mis-lead and denied the true purpose of the payment to her other bank M, even though it asked her if she was making the payment as part of a job or commission-based opportunity – and from the chats Miss M had with the scammer, I can see that she discussed this with them and was reassured that these questions were normal.
- I can only ask Santander to reimburse Miss K if I think that any wrongdoing on its part caused her loss. That concept is one her representative should be very familiar

with. Yet it has not sought to substantiate its arguments as to why better questioning would have resulted in Miss K acting any differently had Santander asked her more questions.

- I'm not persuaded there were any prospects of Santander successfully recovering the funds, given the money was used to purchase crypto from legitimate providers, and moved to Miss K's own account with M, before being moved to crypto from there too.

My final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 7 March 2025.

Claire Pugh
Ombudsman