

The complaint

Miss T complains that Bank of Scotland Plc (trading as Halifax), didn't do enough to prevent her losing money to a scam.

Miss T has used a representative to bring her complaint, but for ease of reading, I'll mostly just refer to Miss T herself when I also mean the representative.

What happened

The detailed background to this complaint is well known to both parties. So, I'll only provide a brief overview of some of the key events here. In 2023 Miss T says she was the victim of a romance / investment scam. She met someone online who she believed she'd formed a genuine relationship with. This person suggested he could help Miss T learn to invest, something he'd been doing for a number of years.

Miss T says that at the directions of the scammer she made the following payments.

Date	Amount	Merchant
27 April 2023	£1,863.37	C
31 May 2023	£2,099.80	C
31 July 2023	£1,000	P
2 August 2023	£500	P

She had also made attempts to make a £1,000 payment on 27 July 2023 which Halifax say didn't go through as she had exceeded the amount permitted using 'wallet pay'. All the payments were made using Miss T's debit card and C and P are cryptocurrency exchanges.

Miss T says that after the final payment, the scammer ceased contact and she realised she'd been scammed. She complained to Halifax in October 2023. Halifax responded to the complaint, but didn't offer any redress. The matter was referred to our service and one of our Investigators didn't recommend that the complaint should be upheld. In summary he thought Halifax had acted fairly in the circumstances.

Miss T didn't accept this and asked for an Ombudsman to review her complaint.

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 reached the same outcome as our Investigator and for largely the same reasons. I know this will be disappointing for Miss T, so I'll explain why.

Miss T hasn't been able to evidence that she's lost the cryptocurrency that would've been purchased through her payments to C and P. Normally, this is something I'd need to see if I

were making an award. But as I'm not upholding this complaint for other reasons, this isn't something I need to establish here.

I've reviewed the previous account activity in the months prior to the payments Miss T is disputing. And whilst I accept that some of these are for more than she typically sent from her account, I don't think the payments (either individually or collectively) were so unusual, suspicious or indicative of a potential fraud or scam where I'd expect Halifax to have done more than they did before processing the payments. This includes the declined payments in July 2023.

I can understand why Miss T makes the arguments she does, including her highlighting that low value shouldn't necessarily mean low risk. And I acknowledge that at the times of her payments, them identifiably going to a cryptocurrency exchange would be an additional consideration in the assessment of whether they represented a risk of financial harm.

But here, values of the payments weren't a significant departure from other payments that had been made previously and they were spread across a number of months with no apparent urgency between any two payments. Halifax also required these payments to be authenticated from within their mobile banking app. In the circumstances of this complaint, I think that was a proportionate step to take relative to the risks the payments presented.

I appreciate Miss T thinks Halifax should've done more, but there must remain a level of proportionality between stopping and checking payments and allowing customers ready access to their funds. And in the circumstances here, I'm not persuaded Halifax acted unreasonably or that they got that balance wrong or that there is any other reason why they should have done more than they did before following Miss T's instructions.

Given the payments were all made with a debit card and went to cryptocurrency exchanges, I don't think there was anything Halifax reasonably could've done to try to recover Miss T's money. The only potential option would've been a chargeback, but this would've been highly unlikely to succeed as it's more likely than not that C and P would've been able to evidence that they'd done what was expected, that being exchanging Miss T's payments for cryptocurrency.

I'm sorry to hear Miss T lost money in this way and to hear of the impact this had on her, but as I don't think Halifax have treated her unfairly, there isn't a reasonable basis upon which I can require them to do more to resolve this complaint.

My final decision

For the reasons outlined above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss T to accept or reject my decision before 11 March 2025.

Richard Annandale
Ombudsman