

## The complaint

Ms T complains that Wise Payments Limited ('Wise') won't refund the money she lost to an employment scam.

## What happened

The background to this complaint is known to both parties, so I won't repeat all the details here. In summary, Ms T says:

- In early August 2023 she was contacted on a messaging platform by who she believed was a representative of a company called 'Apptension' (the scammer). She was told they'd found her details online and introduced her to what she genuinely thought was a legitimate job opportunity.
- For the 'job' itself, it was explained she'd be working as a '*Data Generator*' which would require her to complete set tasks each day to help generate '*traffic for websites*' and that she'd receive commission for the work. As part of the process, she was provided with a link to a fake 'work' platform and instructed to open a new Wise account.
- She was told that to complete the tasks, she first needed to deposit her own funds in cryptocurrency, which she bought from individuals operating in the peer-to-peer market (P2P). This cryptocurrency was then sent to the scammer.
- A series of payments totalling about £12,000 were sent in August and September 2023. Some credits were also received, adding to the legitimacy of the scam. But she realised she'd been scammed when she was asked to pay tax to withdraw funds.

I've listed below the payments I've considered as part of this complaint.

	<b>Date</b>	<b>Type</b>	<b>Payee</b>	<b>Amount</b>
1	15-Aug-23	<i>Credit</i>	<i>I Holoma</i>	£29
2	15-Aug-23	Faster Payment	D Kharchenko	£50
3	16-Aug-23	Credit	R Ptaschenko	£25
4	17-Aug-23	Faster Payment	D Svyrydenko	£50
5	17-Aug-23	<i>Credit</i>	<i>E Tokar</i>	£59
6	18-Aug-23	Faster Payment	M Kisil	£50
7	19-Aug-23	Faster Payment	A Matvieiev	£50
8	21-Aug-23	Faster Payment	V Kelbas	£50
9	21-Aug-23	Faster Payment	V Kelbas	£50
10	21-Aug-23	Faster Payment	V Kelbas	£50
11	21-Aug-23	<i>Credit</i>	<i>V Nevolin</i>	£300
12	21-Aug-23	Faster Payment	A Markhai	£300
13	21-Aug-23	Faster Payment	V Kelbas	£50
14	21-Aug-23	Faster Payment	S Dubovskyi	£651
15	21-Aug-23	Faster Payment	V Kelbas	£1,166
16	23-Aug-23	Faster Payment	Y Ho	£1,066

17	28-Aug-23	Faster Payment	Y Ho	£1,500
18	29-Aug-23	Faster Payment	Y Ho	£1,306
19	15-Sep-23	Faster Payment	Y Ho	£2,000
20	15-Sep-23	Faster Payment	Y Ho	£2,001
21	19-Sep-23	Faster Payment	Y Ho	£2,001

The scam was reported to Wise in October 2023. A complaint was raised and later referred to our Service. Two Investigators considered it and didn't uphold it. The second Investigator thought that, although Ms T had been scammed, there was evidence to show she hadn't been honest about the purpose of her payments when Wise intervened on several occasions – and that, even if it could be argued Wise should have gone further as the scam went on, it was unlikely the scam would have been unravelled and her losses prevented.

As the case couldn't be resolved informally, it's been passed to me to decide.

### **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 conclusions as the Investigators and for the same reasons.

- It's not in dispute Ms T was the victim of a cruel scam and I'm sorry about the impact the whole experience has had on her. It's also not in dispute she authorised the payments from her account. So, although she didn't intend the money to go to a scammer, under the Payment Services Regulations 2017, Ms T is presumed liable for her losses in the first instance. But that's not the end of the matter. There are some situations where I consider that Wise, taking into account relevant rules, codes and best practice, should reasonably have taken a closer look at the circumstances of a payment – if, for example, it's particularly suspicious or out-of-character.
- As noted by the Investigator, Wise did intervene on the very first payment on suspicion that Ms T could be at risk of fraud. It asked her to give the reason for the transfer and only processed the payment after Ms T had selected '*sending money to friends and family*'. This option was chosen despite there being an option to select '*paying to earn money by working online*'. The same 'payment purpose' was selected for 12 subsequent payments made from the account. And I agree with the Investigator that the actions Wise took in response to Ms T's answers up until payment 14 (as listed above) were generally proportionate considering the risk presented by those payments.
- I agree there arguably did come a point that a suspicious pattern had developed to the extent that Wise ought to have questioned Ms T directly about what was happening – given, for example, the account activity on 21 August 2023 with successive payments sent to the same payee, on the same day. But, on balance, I'm not convinced such an intervention would have made a difference and stopped Ms T's losses. This is because, as noted above, Ms T had misled Wise as to the reasons for her transactions each time she was asked for a payment purpose. I can't overlook Ms T accepts she wasn't honest about the reasons for her payments as she thought she'd have otherwise been unable to access her money. And I can see that on 25 August 2023, for example, the scammer specifically instructed her to tell Wise she was '*transferring money to a friend*'.
- In other words, although I recognise Ms T was coached by the scammer on what to say and followed their instructions believing this would allow her to receive her money, I don't

think it'd be fair to hold Wise liable for her losses in circumstances where it's likely she'd have continued to provide misleading information for her payments to go through without issue. I'm also mindful that while the money was used to purchase cryptocurrency, that's not something Wise would have known because of the method used (P2P).

- A firm is generally expected to attempt recovery of lost funds once the scam has been reported. In this case, however, I don't think there would have been a basis for Wise to attempt a recall in any event, given the payments were used for the purchase of cryptocurrency via third-parties (P2P), that cryptocurrency was provided, and it was this cryptocurrency that was sent on to the scammer. There's nothing to suggest the third-parties from which the cryptocurrency was bought were part of the scam itself.
- I'm again sorry Ms T was the victim of a cruel scam. I can understand why she wants to do all she can to recover her money. But I don't think it'd be fair to hold Wise liable in circumstances where, as I've found here, it's unlikely it could have prevented her losses.

### **My final decision**

For the reasons I've given, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms T to accept or reject my decision before 22 November 2024.

Thomas Cardia  
**Ombudsman**