

The complaint

Mr B complains that Santander UK Plc (Santander) is refusing to refund him the amount he lost as the result of a scam.

Mr B is being represented by a third party. To keep things simple, I will refer to Mr B throughout my decision.

What happened

The background of this complaint is well known to all parties, so I won't repeat what happened in detail.

In summary, Mr B tells us he was contacted via a well-known messaging app by an investment company I will call X. X provided Mr B with a link to its website which appeared genuine and professional, and included video presentations.

Mr B was then added to a larger group of people that appeared to be investing in cryptocurrency which gave Mr B greater confidence the investment opportunities were genuine.

The group shared information about how much profit could be made investing over short periods of time. X guaranteed Mr B high returns on his investments and the group vouched for X adding to its apparent legitimacy.

Mr B became concerned about the investments when he failed to see the promised returns and now believes he has fallen victim to a scam.

Mr B is disputing the following payments:

<u>Payment</u>	<u>Date</u>	<u>Payee</u>	<u>Payment Method</u>	<u>Amount</u>
1	05 February 2021	Binance	Debit Card	£18.00
2	07 February 2021	Binance	Debit Card	£200.00
3	08 February 2021	Binance	Debit Card	£181.05
4	10 February 2021	Binance	Debit Card	£100.00
5	11 February 2021	Coinbase	Debit Card	£300.00
6	26 February 2021	Coinbase	Debit Card	£1,000.00
7	03 March 2021	Binance	Transfer	£1,000.00
8	03 March 2021	Binance	Transfer	£10.00
9	03 March 2021	Binance	Transfer	£10.00
10	04 March 2021	Binance	Transfer	£230.00
11	08 March 2021	Binance	Debit Card	£1,000.00
12	08 March 2021	Binance	Debit Card	£150.00
13	11 March 2021	Binance	Debit Card	£90.00
14	13 March 2021	Binance	Transfer	£1,000.00
15	16 March 2021	Binance	Transfer	£500.00
16	23 March 2021	Binance	Debit Card	£50.00

17	23 March 2021	Binance	Debit Card	£200.00
18	27 March 2021	Binance	Debit Card	£1,000.00
19	30 March 2021	Binance	Debit Card	£1,000.00
20	05 April 2021	Binance	Transfer	£700.00
21	07 April 2021	Binance	Transfer	£1,200.00
22	08 April 2021	Binance	Transfer	£100.00
23	10 April 2021	Binance	Transfer	£150.00
24	14 April 2021	Binance	Transfer	£500.00
25	15 April 2021	Binance	Transfer	£1,000.00
26	17 April 2021	Binance	Transfer	£700.00
27	18 April 2021	Binance	Transfer	£500.00
28	18 April 2021	Binance	Transfer	£500.00
29	18 April 2021	Binance	Transfer	£450.00
30	19 April 2021	Binance	Transfer	£380.00
31	20 April 2021	Binance	Transfer	£1,500.00
32	23 April 2021	Binance	Transfer	£30.00
33	23 April 2021	Binance	Transfer	£200.00
34	23 April 2021	Binance	Transfer	£450.00
35	23 April 2021	Binance	Debit Card	£50.00
36	25 April 2021	Binance	Transfer	£50.00
37	25 April 2021	Binance	Transfer	£20.00
38	28 April 2021	Binance	Transfer	£21.00
39	28 April 2021	Binance	Transfer	£10.00
40	30 April 2021	Binance	Transfer	£20.00
41	01 May 2021	Binance	Transfer	£30.00
42	01 May 2021	Light Technology/Transak	Transfer	£30.00
43	07 May 2021	Light Technology/Transak	Transfer	£100.00
44	07 May 2021	Light Technology/Transak	Transfer	£100.00
45	14 May 2021	Light Technology/Transak	Transfer	£200.00
46	16 May 2021	Binance	Transfer	£3,500.00
47	18 May 2021	Binance	Transfer	£550.00
48	19 May 2021	Binance	Transfer	£1,000.00
49	20 May 2021	Binance	Transfer	£2,000.00
50	22 May 2021	Binance	Transfer	£20.00
51	23 May 2021	Binance	Transfer	£300.00
52	12 June 2021	Binance	Transfer	£150.00
53	12 June 2021	Binance	Transfer	£150.00
54	13 June 2021	Binance	Transfer	£200.00
55	15 June 2021	Binance	Transfer	£500.00
56	21 June 2021	Binance	Transfer	£100.00
57	01 July 2021	Light Technology/Transak	Transfer	£50.00
58	03 July 2021	Light Technology/Transak	Transfer	£55.00
59	13 July 2021	Light Technology/Transak	Transfer	£100.00
60	24 July 2021	Light Technology/Transak	Transfer	£60.00
61	10 August 2021	Light Technology/Transak	Transfer	£50.00
62	15 August 2021	Light Technology/Transak	Transfer	£400.00
63	31 August 2021	Simplex Paybis	Debit Card	£500.00
64	21 September 2021	Swissborg Solout	Transfer	£500.00
65	22 September 2021	Light Technology/Transak	Transfer	£50.00
66	23 September 2021	Light Technology/Transak	Transfer	£50.00
67	25 September 2021	Light Technology/Transak	Transfer	£300.00
68	17 October 2021	Payward Ltd	Transfer	£150.00
69	17 October 2021	Light Technology/Transak	Transfer	£150.00

70	19 October 2021	Light Technology/Transak	Transfer	£500.00
71	28 October 2021	Swissborg Solout	Transfer	£600.00
72	30 October 2021	Swissborg Solout	Transfer	£500.00
73	01 November 2021	Light Technology/Transak	Transfer	£100.00
74	14 November 2021	Light Technology/Transak	Transfer	£200.00
75	21 November 2021	Light Technology/Transak	Transfer	£500.00
76	21 November 2021	Payward Ltd	Transfer	£1,700.00
77	26 November 2021	Light Technology/Transak	Transfer	£1,750.00
78	27 November 2021	Swissborg Solout	Transfer	£600.00
79	27 November 2021	Swissborg Solout	Transfer	£1,450.00
80	27 November 2021	Swissborg Solout	Transfer	£70.00
81	27 November 2021	Swissborg Solout	Transfer	£50.00
82	28 November 2021	Swissborg Solout	Transfer	£2,000.00
83	04 December 2021	Light Technology/Transak	Transfer	£68.00
84	10 December 2021	Light Technology/Transak	Transfer	£550.00
85	17 December 2021	Swissborg Solout	Transfer	£1,000.00
86	17 December 2021	Swissborg Solout	Transfer	£742.98
87	24 December 2021	Swissborg Solout	Transfer	£100.00
88	26 December 2021	Light Technology/Transak	Transfer	£110.00
89	26 December 2021	Light Technology/Transak	Transfer	£100.00
90	31 December 2021	Swissborg Solout	Transfer	£2,000.00
91	02 January 2022	Light Technology/Transak	Transfer	£500.00
92	03 January 2022	Payward Ltd	Transfer	£1,020.00
93	06 January 2022	Swissborg Solout	Transfer	£290.00
94	08 January 2022	Light Technology/Transak	Transfer	£313.00
95	19 February 2022	Payward Ltd	Transfer	£2,000.00
96	07 March 2022	Light Technology/Transak	Transfer	£300.00
97	08 March 2022	Light Technology/Transak	Transfer	£250.00
98	08 March 2022	Light Technology/Transak	Transfer	£100.00
99	18 March 2022	Light Technology/Transak	Transfer	£100.00
100	23 March 2022	Light Technology/Transak	Transfer	£265.00
101	01 April 2022	Light Technology/Transak	Transfer	£207.00
102	05 April 2022	Light Technology/Transak	Transfer	£309.00
103	13 April 2022	Payward Ltd	Transfer	£100.00
104	13 April 2022	Swissborg Solout	Transfer	£100.00
105	14 May 2022	Light Technology/Transak	Transfer	£515.00
106	18 May 2022	Light Technology/Transak	Transfer	£30.00
107	21 May 2022	Swissborg Solout	Transfer	£350.00
108	25 May 2022	Payward Ltd	Transfer	£100.00
109	16 June 2022	Swissborg Solout	Transfer	£950.00

Our Investigator considered Mr B's complaint and didn't think it should be upheld. Mr B disagreed, so this complaint has 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.

The evidence available is limited and it is difficult to confirm Mr B has fallen victim to a scam. The dispute here is whether Santander should refund the payments Mr B has disputed.

Even when it's clear that a scam has taken place, and an individual has been tricked out of

their money, it doesn't necessarily follow that a business will need to refund the money that has been lost.

Recovering the payments Mr B made

Mr B made payments into the scam via his debit card and the method of transfer. However, these payments were made in exchange for cryptocurrency, and it took further steps before these funds were sent on to another party where Mr B says they were lost to a scam.

There is no dispute that cryptocurrency was provided in exchange for the payments Mr B made, and a long time passed between Mr B making the payments and him disputing them. So, any attempts to recover the payments would likely have been unsuccessful.

Should Santander have reasonably prevented the payments Mr B made?

It has been accepted that Mr B authorised the payments that were made from his account with Santander. So, the starting point here is that Mr B is responsible.

However, banks and other Payment Services Providers (PSPs) do have a duty to protect against the risk of financial loss due to fraud and/or to undertake due diligence on large transactions to guard against money laundering.

The question here is whether Santander should have stepped into question Mr B about the payments he was making. And if it had questioned Mr B, would it have been able to prevent his loss.

Even if I was to accept that Mr B has fallen victim to a scam, I don't think Santander could be held responsible for his loss. I will explain why.

Mr B made the disputed payments to genuine businesses that offered cryptocurrency exchange, and at the time of making the payments the risk associated with these types of payment was not as widely known as it is today.

The value of the payments Mr B made were also not so significant that I would have expected Santander to have concerns. While the value of the payments did increase over time, the first significant value payment of over £3,000 didn't take place until Mr B made his 46th payment in May 2021, having made 45 other payments over a 4-month period without any complaint. Mr B also received multiple credits to his account from cryptocurrency exchanges that he says were genuine profits from other trades and not related to the payments he has disputed.

Considering the payments made to and from Mr B's account over this time, I don't think it was unreasonable that Santander didn't find the increased value payments unusual, and I don't think Santander would have had any cause for concern when any of the payments were made, that should reasonably have prompted it to intervene.

I can see that when Mr B made payments by transfer to a new payee, he was provided with automated warning screens based on the payment reason he had selected. While these warnings were not very detailed, when the option of "transfer to investment" was selected the warning provided stated:

"If you have been cold called about an investment opportunity, this could be a scam. Please stop."

While Mr B was initially contacted via a messaging application, I still think this warning

should have been a red flag to Mr B.

As I've explained above, I don't think it was unreasonable that Santander didn't do more when Mr B was attempting the disputed payments, so I don't think it missed an opportunity to prevent Mr B's loss and it is not responsible for it.

My final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 9 May 2025.

Terry Woodham
Ombudsman