

The complaint

Miss H has complained that Santander UK Plc won't refund the money she lost after falling victim to a scam.

What happened

In late 2023, Miss H was approached by scammers impersonating a recruitment agency. She was offered a part-time remote job completing tasks for commission. But she had to pay money in to work and to make withdrawals. This is often called a job scam or task scam.

Miss H paid the scammers by transferring funds from her Santander account to her own account at a cryptocurrency exchange. She then bought crypto and sent it onto the scammers' platform. In total, Miss H sent the scammers around £2,000 over the course of several days.

When Miss H attempted a larger payment, Santander stopped her and discussed the matter. They uncovered the scam, explained how it worked to Miss H, and stopped her from paying the scammers further from her Santander account. They tried contacting the cryptocurrency exchange, but no funds remained. Santander explained they sympathised, but they didn't think they were liable for Miss H's loss.

Our Investigator looked into things independently and didn't uphold the complaint. Miss H's representatives asked for an ombudsman's final decision, so the complaint'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.

Miss H fell victim to a sophisticated and cruel scam, and so she has my sympathy. I'm grateful to Miss H for being open and candid with us about the impact the scammers had on her. I appreciate this must have been a difficult thing for her to go through, and I appreciate why she would like her money to be returned. It's worth keeping in mind that it's the scammers who are primarily responsible for what happened, and who really owe Miss H her money back. But I can only look at what Santander are responsible for. Having carefully considered everything that both sides have said and provided, I can't fairly hold Santander liable for Miss H's loss. I'll explain why.

It's not in dispute that Miss H authorised the payments involved. So although she didn't intend for the money to end up with scammers, under the Payment Services Regulations she is liable for the loss in the first instance. And broadly speaking, Santander had an obligation to follow her instructions – the starting position in law is that banks are expected to process payments which a customer authorises them to make.

Santander should have been on the lookout for payments which could be the result of fraud or scams, to help prevent them. But a balance must be struck between identifying and responding to potentially fraudulent payments, and ensuring there's minimal disruption to legitimate payments. Here, I'm glad to see that Santander intervened and uncovered the scam once the attempted payments rose to a notably concerning amount. I've thought carefully about whether Santander should have intervened earlier in Miss H's case.

I do acknowledge that these payments were going to a crypto exchange, and that this was a substantial sum to lose. However, the individual payments were mostly of quite moderate value, and before Santander intervened the amount paid was not quite so large or unusual that I'd have expected the payments to have been of particular concern yet. From time to time, customers do occasionally make payments which are substantially larger than their day-to-day spending. I can see Miss H made some payments of fairly similar amounts in the period preceding the scam. The payments were spread out over a number of days and there were sufficient funds to cover them. While they were for crypto, they were going to an account in Miss H's own name at an established, legitimate exchange. Miss H didn't speak to Santander about these payments before making them, so they didn't miss an opportunity to identify something was wrong during any particular conversation. And I can't see that there was anything else which should've caused Santander to intervene earlier here.

Next, I've considered what Santander did to try to recover Miss H's money after she told Santander about the scam. Following Miss H's call to report the scam, Santander did contact the exchange. Unfortunately, it wasn't possible to recover the funds, as Miss H had already paid them onto the scammers. And as these transfers were to a crypto account in Miss H's name, they weren't covered by the CRM Code for scams. So I'm afraid there wasn't anything more for Santander to reasonably do there.

So while I'm very sorry to hear about what happened to Miss H, and while I hope that the scammers are brought to justice, I don't think Santander can fairly be held responsible for her loss. And so I can't fairly tell Santander to refund Miss H's money in this case.

My final decision

For the reasons I've explained, I don't uphold this complaint.

This final decision marks the end of our service's consideration of the case.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 11 June 2025.

Adam Charles
Ombudsman