

The complaint

Miss A complains that Barclays Bank UK PLC ('Barclays') won't refund the money she lost when she says she fell victim to three scams.

What happened

Miss A says she has fallen victim to three scams and has lost £240,445 between October 2019 and August 2021. Across the three scams she says she transferred £437,717.14 and that she received profits of £197,272.14. Some of the funds transferred were for friends and family to invest.

In October 2019 Miss A she was introduced to an investment opportunity with a company I'll call F. Her friend had been investing with F for some time and told Miss A she was making good returns. Miss A's friend provided a link so that Miss A could register on F's platform and told her F would invest on her behalf. Miss A was told she needed to open an account with a cryptocurrency exchange I'll refer to as C and transfer cryptocurrency from C to the platform. Miss A could see the profits she was making on the platform.

Miss A says she started to invest on 3 October 2019 and continued until around March 2021. She says she attempted to contact F between March 2021 and January 2022 but didn't receive a reply and was unable to withdraw her funds.

Miss A says that the same friend introduced her to a second investment opportunity in March 2021. I'll call the company P. She was told she was investing in oil and gas and others who had invested in F were also involved. Again, Miss A bought cryptocurrency through C and transferred it to P's platform. In around May 2021 Miss A attempted to make a withdrawal but P's website was removed, and she realised she was the victim of a scam.

Miss A says that the third scam started in around August 2021. She says that the same friend introduced her to a company I'll refer to as A, and others in a messaging group said they were making good profits. Miss A again bought cryptocurrency through C and transferred it to A's platform. Miss A says all three scams were linked. The last payment she made towards this scam was in August 2021 and the scammers blocked contact with her in October 2021.

Miss A called Barclays to raise a claim in March 2023 and instructed a professional representative to send a letter of complaint in May 2023. She says Barclays failed to protect her when she made unusual and out of character payments.

Barclays hasn't refunded any of Miss A's loss.

Miss A brought a complaint to this service.

Our investigation so far

The investigator who considered this complaint didn't recommend that it be upheld. She said Miss A hadn't demonstrated she was a victim of a scam or her loss. Over a three year period Miss A made over 190 payments to a cryptocurrency account in her own name and she received nearly £200,000 from this account, which is unusual in a scam. Miss A also said she was introduced to the investment opportunities by friends but was unable to provide any evidence of her communications with those friends, or of what was agreed with each of the

scam companies. The investigator said that an FCA warning in respect of F and negative reviews of P didn't go far enough to show Miss A was the victim of a scam.

As the investigator felt Miss A hadn't proved she met the definition of an authorised Push Payment (APP) scam set out in the Contingent Reimbursement Model Code (CRM Code) she said she couldn't apply it or ask Barclays to refund her.

Miss A didn't agree with the investigator's findings and asked for a final decision, so her complaint has been passed to me to review. She referred to the huge financial and emotional impact the loss of funds is having on her. Miss A provided some additional evidence, including:

She provided some evidence to demonstrate she was the victim of a scam including:

- an April 2023 message from F about a delayed withdrawal
- promotional information from P showing an investment and earnings table
- a request to verify an account at P
- P's about us page
- an email from A thanking Miss A for registering with them and providing log in details
- some messages from A's customer support

Miss A also made the following points:

- It is difficult to provide more information because the agreements with the companies were on websites that she can no longer access.
- She feels strongly that she was a victim of a scam and that a portion of the funds she invested were returned to her to gain her trust and encourage her to invest more.
- Miss A provided evidence which she says shows A attempted to manipulate her to provide her personal key wallet address to release her capital and interest. C advised her not to release her private key, as it would result in the loss of all her money.
- Miss A said she and other investors didn't receive the promised payments from P because it ceased trading soon after the payments were made.
- Some individuals didn't raise claims with their banks because funds were passed through Miss A's account.

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.

In deciding what's fair and reasonable, I am required to take into account relevant law and regulations, regulators' rules, guidance and standards, and codes of practice; and, where appropriate, I must also take into account what I consider to have been good industry practice at the time.

In broad terms, the starting position at law is that a bank is expected to process payments and withdrawals that a customer authorises it to make, in accordance with the Payment Services Regulations and the terms and conditions of the customer's account. But there are circumstances when it might be fair and reasonable for a firm to reimburse a customer even when they have authorised a payment.

But in this case, I haven't been provided with enough evidence to persuade me Miss A is the victim of any of the scams I have referred to above. Miss A has been asked to provide evidence including documents like literature and contracts and messages from each of the companies involved, as well as messages exchanged with the friend who introduced her to

the three investments. But Miss A says that when she realised she was the victim of a scam, she deleted almost all messages and that contracts were on websites she can no longer access. She also no longer has access to her account with C as C closed her account.

The very limited information Miss A has provided doesn't evidence why she made nearly 200 payments to her account at C or what any of the payments relate to. I don't even know which payments relate to which alleged scam. I also find it very strange that Miss A received nearly £200,000 into her Barclays account from her account at C. This is not what I would expect if she was the victim of a scam(s).

Even if I was satisfied that Miss A was the victim of a scam or multiple scams though, I'm not persuaded she has demonstrated what her loss is. Miss A received multiple payments from third parties, which she transferred to C. So the profits that were returned to Miss A include payments to her and to other parties.

Overall, I'm not satisfied Miss A has demonstrated that the funds she has lost were sent to scammers or what her actual loss was. In these circumstances I can't fairly ask Barclays to reimburse her.

My final decision

For the reasons stated, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss A to accept or reject my decision before 2 December 2024.

Jay Hadfield
Ombudsman