

The complaint

Mr P complains about the actions of Barclays Bank UK PLC when he lost money to a scam.

Mr P is being represented by a claims management company but, for ease, I'll only refer to Mr P.

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 2022 Mr P met a third-party on a dating website. After speaking for around six months the third-party mentioned crypto investing via a merchant. The third-party showed Mr P how to invest and open wallets in Mr P's name at the crypto exchanges. The third-party put pressure on Mr P to only invest when he was told to do so and he made the following payments to crypto exchanges before moving the money to the merchant's platform;

Date	Type of payment	Amount
9 February 2023	Transfer to crypto exchange	£7,400
9 February 2023	Transfer to crypto exchange	£2,000
10 February 2023	CREDIT from crypto exchange	£7,400
10 February 2023	CREDIT from crypto exchange	£2,000
16 February 2023	Card Payment to crypto exchange	£1,000
20 February 2023	Card Payment to crypto exchange	£5,250
20 February 2023	Transfer to crypto exchange	£7,000
20 February 2023	Transfer to crypto exchange	£2,000
22 February 2023	Card Payment to crypto exchange	£1,250
22 February 2023	Card Payment to crypto exchange	£10,000
22 February 2023	CREDIT from crypto exchange	£70
24 February 2023	Transfer to crypto exchange	£45,000
27 February 2023	Card Payment to crypto exchange	£3,089.73
06 March 2023	Card Payment to crypto exchange	£1,000
06 March 2023	Card Payment to crypto exchange	£36,046.50
	Total	£121,036.50
	Total Credits	£9,470
	Total Loss	£111,566.23

After he was asked to pay a high withdrawal fee Mr P became suspicious and realised he had been scammed. So, he raised a claim with Barclays. Barclays didn't offer to refund Mr P his money, so he brought his complaint to the Financial Ombudsman.

Our investigator didn't think the complaint should be upheld. He said Barclays stopped four payments and spoke to Mr P to ask him why he was making them. But because Mr P didn't provide honest answers to Barclays' questions the scam wasn't uncovered.

Mr P disagreed and has asked for an Ombudsman's review. He said that Barclays failed to ask probing questions here and missed discrepancies and inconsistencies in his answers that should've led to further probing which if it had done so the scam would've been uncovered. Mr P said Barclays didn't do enough to try and satisfy itself there wasn't a romance scam element to this complaint – referring to the Financial Conduct Authority's (FCA) Multi-firm review of Romance fraud. He added that he should've been invited into branch to discuss the payments and the banking protocol would've uncovered the scam.

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.

I've read and considered the whole file. But I'll concentrate my comments on what I think is relevant. If I don't mention any specific point, it's not because I've failed to take it on board and think about it, but because I don't think I need to comment on it to reach what I think is a fair and reasonable outcome.

It is common ground that Mr P authorised the scam payments. I accept that these were authorised payments even though Mr P was the victim of a scam. So, although it wasn't his intention to pay money to the scammers, under the Payment Services Regulations 2017 (PSRs) and the terms of his account, Mr P is presumed liable for the loss in the first instance.

However, taking into account the law, regulatory rules and guidance, relevant codes of practice and good industry practice, there are circumstances where it might be appropriate for Barclays to take additional steps or make additional checks before processing a payment in order to help protect customers from the possibility of financial harm from fraud.

Barclays's first obligation is to follow the instructions that Mr P provides. But if those instructions are sufficiently unusual or uncharacteristic for the account, I'd expect Barclays to intervene and to ask their customer more about the intended transaction before processing it. I'd also expect Barclays to provide suitable warnings about common scams to help their customers make an informed decision as to whether to continue with the payment. There might also be cases where it's appropriate for Barclays to refuse to follow the instruction if there are good grounds to believe it is being made as a result of a fraud or scam.

I've now had the opportunity to fully consider all of Mr P's detailed submissions, as well as the call recordings of the conversations that took place between Mr P and Barclays when he was trying to make payments towards the scam. Having done so, I don't think Barclays would've been able to stop this scam. I'll explain why below.

Mr P argues that there were discrepancies and inconsistencies in his answers that Barclays should've picked up on here. I've listened to the calls, but I don't agree the discrepancies and inconsistencies were so obvious that Barclays should've been reasonably concerned he was likely falling victim to a scam. Barclays asked Mr P on the calls how he had heard about this 'investment'. When he was asked this, Mr P didn't respond truthfully. He initially said in the first call that he had heard about crypto from a friend and said he hadn't been told to invest and hadn't been told to open the accounts at the crypto exchanges by a third-party.

Mr P said this was an inconsistency in his answers in relation to how he had come to know about crypto. But I don't agree. He said he had completed his own research and that he was just learning and that *'it had also been recommended by a friend he had known for a long time'*. I don't agree that was inconsistent or that was him admitting that it was his friend who was telling and pressuring him into investing. It's completely plausible that friends would

discuss crypto and recommend it as an investment. And even if Barclays had probed more, I think Mr P wouldn't have disclosed that the reasons for him making the payment was because he was being instructed and guided by that friend. In fact, he was clear that no one had helped him open the account with the crypto exchange and that no one else had access to it. He also said that the money wasn't being moved from the crypto exchanges to another platform, that he had completed his own research and he wasn't dealing with a broker or other third-party.

Mr P says Barclays didn't probe enough when he said he heard about the investment through a friend and didn't pick up on the inconsistency when he said in a later call that he was making an investment by himself. However, during the second call Mr P was referred back to his answer in the first call that he was told about the investment by a friend. He was then asked if he had known them for a long time and if he had come across them online to which he said he'd known them for several years and he hadn't come across them online and that no one was guiding him – which wasn't accurate. So, I don't agree with Mr P that if Barclays had asked more questions about the friend that his answers would've differed from what he had already told Barclays. He was then told by Barclays that the reasons he was asked about his friend and whether he was doing this by himself was because Barclays were aware of people sending everything they own to crypto on the recommendation of a friend who turns out to be a scammer, so it was trying to make sure it was his own decision. Mr P at the end of the second call also asked for his file to be noted so he could make further payments (up to £20,000) without them being stopped because he would be making more transfers as he gained more confidence with investing in crypto.

As a result of Mr P's answers, I can understand why Barclays didn't take any further action here. Mr P wasn't honest and didn't answer important questions about the involvement of third parties in his decision to send money to crypto truthfully. So, I don't think it would've been sufficiently suspicious of the payments and the answers he was giving to have invited him into branch.

But even if Barclays had invited him into a branch (to be clear I don't think it needed to here) to ask him questions about his investments, I'm satisfied that Mr P would've provided similar answers to its questions which in turn would've satisfied Barclays that Mr P was making the payments on his own accord. From the calls, Mr P seemed calm and assured in his answers, so much so that I think he would've more than likely assured anyone in branch that there was nothing untoward with his payments.

Mr P has told this service he had been speaking to the scammer for a number of months before he was convinced to invest in crypto and it's clear from the messages he trusted her completely and didn't appear to trust the banks – including Barclay's interventions. He appears to have regarded the interventions by Barclays as an obstacle and hindrance rather than a supportive measure designed to help keep his money safe. He was told not to disclose '*their secrets*' and said he wouldn't do so. He was then repeatedly clear with Barclays that there was no one else involved in his decision to invest.

Mr P has said Barclays could've asked probing questions to uncover that there was a romance scam element to his payments. And that the scam messages don't reveal a relationship notably deeper from the typical dynamic on display in romance scams. Firstly, the multi-firm review he has mentioned was first published around two years after he made these payments. And such probing questions (as suggested by Mr P) will only get banks such as Barclays so far if the consumer isn't willing to provide accurate answers. In Mr P's case it was clear he was willing to say whatever he could to get the money to the scam. He was clear that he was investing himself and no one was pressuring him. He stuck to that story in all the calls with Barclays.

I've seen in the chats the following exchange between Mr P and the scammer on 6 February 2023;

“Mr P: Yes I will, but I need to understand what is possible from my bank without telling them anything.

Scammer: I think it needs to be visited. It is, after all, very important.

Scammer: Yes. Just tell them you need access to your funds.

Mr P: This is guaranteed my sweetheart....I will never jeopardise anything that involves you...”

And the following on 09 February 2023;

“Mr P: My UK account kept getting suspended due to fraud protection, each time it takes about one hour in the telephone to clear...”

Scammer: I see. So have your funds now reached your... account?

Mr P: Only four banks are willing and the first one stopped my transaction and returned the money

Mr P: ...now saying they have a technical anomaly...

Scammer: Banks always have various reasons and excuses to refuse some of our transfers, such as fraud or money laundering. I have been in this situation many times. Because they don't want their money to go overseas.

Mr P: Don't worry I will get there

Mr P: Yes I have had this many times also

Scammer: You can ask...customer service why your funds are not available

Scammer: We just need to stick to telling them we need to move our funds.

Scammer: But don't forget to keep our secrets

Scammer: Honey, if you have any questions, you can ask me. I hope I can help you.

Mr P: You must never worry my darling...do not mention this for I will never betray you. It is not important if I cannot do transactions yet...

Scammer: Do you check your...exchange in a timely manner? Have you received your funds?

Mr P: It might be problematic but it is better to find out their position if the deal goes wrong

Mr P: No funds...I checked 10 minutes ago

Scammer: You need to know what their expected price is. But you can't take them into account too much and put yourself at a disadvantage

Mr P: This is why I love you so much... you are so smart ...you can never trust banks and I have had difficulty with them..."

I'm satisfied the above messages and the others in the chat show that Mr P trusted the scammer completely and felt they were in a relationship. Ultimately, it appears to me that Mr P was assured of his relationship with the scammer at this point – so much so he was prepared to provide inaccurate answers to Barclays so his money could be sent to the crypto exchanges.

I've considered whether Barclays acted reasonably when it was made aware of the scam. Having done so, I'm satisfied Barclays wouldn't have been able to recover any of Mr P's funds here because he confirmed these were all sent to the fake trading platform.

I appreciate this will come as a disappointment to Mr P, and I'm sorry to hear that he has been the victim of a cruel scam. As a result, I'm not persuaded that Barclays can fairly or reasonably be held liable for his loss in these circumstances.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 12 February 2026.

Mark Dobson
Ombudsman