

## **The complaint**

Mr P has complained that NATIONAL WESTMINSTER BANK PUBLIC LIMITED COMPANY (NatWest) won't refund the money he lost after falling victim to a scam.

## **What happened**

In 2023, Mr P matched with someone on a dating service, who unfortunately turned out to be a scammer. They talked to Mr P a lot, video called, and gained his trust. They then persuaded Mr P to invest in an illegitimate cryptocurrency trading platform.

Over the course of several months, Mr P sent around £6,100 in total by card payments from his NatWest account to his own crypto account at a genuine exchange. Then he sent crypto on to the scammer. In the end, he was unable to withdraw from the scammer's platform and realised he'd been in scammed.

In 2024, Mr P complained to NatWest about the scam via representatives. NatWest explained they sympathised but didn't think they were liable for Mr P's loss.

Our Investigator looked into things independently and didn't uphold the complaint. Mr P's representatives asked for a 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.

I understand that Mr P fell victim to a scam, and so he has my sympathy. I appreciate that the scammer really abused his trust, and that this cannot have been an easy matter for him to face. I also understand why he would like his money back. It's worth keeping in mind that it's the scammer who's primarily responsible for what happened, and who really owes Mr P his money back. But I can only look at what NatWest are responsible for. Having carefully considered everything that both sides have said and provided, I can't fairly hold NatWest liable for Mr P's loss. I'll explain why.

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

NatWest 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. I've thought carefully about whether NatWest should have done more in Mr P's case.

However, I don't think the payments involved were so unusual or out of character that NatWest needed to carry out person-to-person intervention. While this was a substantial amount to lose in total, it was spread out across multiple months, where each payment was not concerningly large. Mr P had made payments of similar sizes in the preceding period, and the spending was never quite so large or rapid as to have required person-to-person intervention. And while the payments were going to a crypto site, it was to an account in Mr P's own name at a well-established exchange, and Mr P had used such sites before.

I do think that NatWest should've provided written tailored warnings at the point of the final payment, where Mr P had sent a fair amount that day. However, I can see that Mr P made similar payments from his account at another firm as part of this scam. And that firm did ask Mr P questions and give tailored warnings, shortly after the point where I think NatWest should have. That firm warned Mr P multiple times, setting out key features of such crypto scams to look out for. They gave Mr P details relevant to his situation which should've resonated with him, and gave him examples of steps he could take which likely could prevent him from being scammed. However, I'm afraid Mr P didn't heed those multiple warnings, despite them being tailored to his answers. His representatives also agreed that such warnings would not have been effective in this case. So it seems more likely than not that another tailored warning from NatWest would not have prevented the loss here.

Next, I've considered what NatWest did to try to recover Mr P's money after he told NatWest about the scam. Unfortunately, as Mr P had made these card payments to his own crypto account, then sent the funds on, it wasn't possible for NatWest to recall the funds, and the payments weren't covered by the CRM Code for scams. And there was no chargeback reason which would've been appropriate here. A chargeback would've been a claim against his genuine exchange rather than the scammer. And the exchange provided the service they were supposed to, having received payments which Mr P did authorise. There was no realistic prospect of success for a chargeback, and chargebacks are voluntary. So NatWest didn't need to try one in this case. And there was nothing more they could've reasonably done to get the money back.

So while I'm very sorry to hear about what the scammer did to Mr P, I don't think NatWest can fairly be held responsible for his loss. And so I can't fairly tell NatWest to reimburse Mr P in this case.

### **My final decision**

For the reasons I've explained, I don't 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 1 September 2025.

Adam Charles  
**Ombudsman**