

The complaint

Miss M complains that Santander UK Plc won't refund the money she lost when she was the victim of a scam.

What happened

In July 2024, Miss M found out about a potential job with a marketing company from a social media website. She was then contacted by someone who said they worked for the marketing company, and who explained the job involved reviewing products to help merchants generate more profits.

Miss M was given access to the company's platform where she could see the tasks he could complete. And she was shown how to purchase cryptocurrency, which she would use to pay for some of the tasks she was to complete.

Miss M then made a number of payments from her Santander account to purchase cryptocurrency, which she then sent on to wallet details she was given for the marketing company. I've set out the payments Miss M made from her Santander account below:

Date	Details	Amount
23 July 2024	To cryptocurrency exchange	£65
23 July 2024	To cryptocurrency exchange	£250
23 July 2024	To cryptocurrency exchange	£1,150
23 July 2024	To cryptocurrency exchange	£500
23 July 2024	To cryptocurrency exchange	£1,000
23 July 2024	To cryptocurrency exchange	£1,000
23 July 2024	To cryptocurrency exchange	£800
23 July 2024	To cryptocurrency exchange	£800
24 July 2024	To cryptocurrency exchange	£65

Unfortunately, we now know the company and the job were a scam. After the scam was uncovered, Miss M reported the payments she had made to Santander and asked it to refund the money she had lost.

Santander investigated but didn't agree to refund the payments Miss M had made. Miss M wasn't satisfied with Santander's response, so referred a complaint to our service.

One of our investigators looked at the complaint. They didn't think anything we would have expected Santander to do here would have prevented the loss Miss M had suffered. So they didn't think it would be fair to require it to refund any of the money she had lost. Miss M disagreed with our investigator, so the complaint has been passed to me.

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.

Banks are expected to make payments in line with their customers' instructions. And Miss M accepts she made the payments here. So while I recognise she didn't intend for the money to ultimately go to scammers, she did authorise the payments. And so the starting position in law is that Santander was obliged to follow her instructions and make the payments. So Miss M isn't automatically entitled to a refund.

The regulatory landscape, along with good industry practice, sets out requirements for banks to protect their customers from fraud and financial harm. So, in line with this, I think Santander should fairly and reasonably:

- have been monitoring accounts and any payments made or received to counter various risks, including preventing fraud and scams;
- have had systems in place to look out for unusual transactions or other signs that might indicate that its customers were at risk of fraud (among other things). This is particularly so given the increase in sophisticated fraud and scams in recent years, which firms are generally more familiar with than the average customer;
- have acted to avoid causing foreseeable harm to customers, for example by maintaining adequate systems to detect and prevent scams and by ensuring all aspects of its products, including the contractual terms, enabled it to do so;
- in some circumstances, irrespective of the payment channel used, have taken additional steps, or made additional checks, or provided additional warnings, before processing a payment;
- have been mindful of – among other things – common scam scenarios, how the fraudulent practices are evolving (including for example the common use of multi-stage fraud by scammers, including the use of payments to cryptocurrency accounts as a step to defraud consumers) and the different risks these can present to consumers, when deciding whether to intervene.

But, even if Santander had recognised that Miss M was at heightened risk of financial harm from fraud when making some of these payments, I don't think the action I would have expected it to take would have prevented her loss. I'll explain why below.

I'm satisfied Santander ought to have recognised that Miss M was at heightened risk of financial harm from fraud by at least the point she tried to make the sixth payment here, for £1,000 on 23 July 2024. At this point she had tried to make six payments to the same payee on the same day, totalling a significant amount of money, which is a pattern of behaviour often seen when customers are falling victim to a scam. The payments were also all identifiably related to cryptocurrency which, around this time, I think Santander ought to have recognised meant they carried an elevated risk of being related to a scam.

I think a proportionate response to the risk I think Santander should have identified would have been for it to carry out some sort of human intervention with Miss M to attempt to establish the circumstances surrounding the payment, before allowing it to debit her account. But, had it done this, I'm not satisfied it would have prevented Miss M's loss.

Santander did intervene when Miss M tried to make some of these payments. It spoke to her over the phone and warned her that thousands of people get scammed by hiding what they are paying for. It told her that, when customers are told to hide things from their bank, it is always a scam and then asked her whether she had been told to mislead it in any way. But

despite now telling our service that someone from the marketing company was helping her answer Santander's questions, Miss M answered that she wasn't being told to mislead it.

Santander then asked Miss M whether she had checked the company she was paying was genuine and researched it and, despite now telling our service she hadn't done any research, she answered to Santander that she had. Miss M also told Santander that both her mother and her brother had invested with the company and had done so for some time, despite now telling our service that this wasn't the case. And Miss M confirmed to Santander that she was being perfectly honest with it.

I appreciate Miss M has said she only answered the questions in this way because she felt under pressure to make the payments. But, regardless of why she did it, she continued to give Santander inaccurate answers to its questions, even after it warned her that being asked to do this meant she was the victim of a scam.

So even if Santander had asked more probing and in-depth questions about the payments and then warned her about the risks of the payments she was making, I think Miss M would likely not have given it accurate or complete information about the purpose or circumstances surrounding them – as happened with the questions she was asked. And I don't think any warnings I would have expected Santander to have shown her following the answers it got from those questions would have impacted her decision to continue making the payments – as the warnings it gave her did not. So I don't think anything I would reasonably have expected Santander to have done here would have stopped Miss M from making the payments or losing the money she did.

Miss M has also mentioned that she was vulnerable at the time of the scam as a result of a medical condition. And my intention isn't to diminish the severity of her condition and I don't underestimate the impact it had on her. But I've not seen anything to suggest Santander was or ought to have been aware of her condition at the time. And I don't think her circumstances mean I would have expected Santander to take significantly different action than what I've explained above. And so I still don't think anything I would have expected Santander to have done would have stopped her from making the payments or losing the money she did.

I recognise that Miss M has been the victim of a cruel scam and that my decision will come as a disappointment to her. She has lost a significant amount of money and I sympathise with the position she has found herself in. But I can only look at Santander's responsibilities and, for the reasons I've set out above, I don't think anything I would reasonably have expected it to have done would have prevented the loss she suffered.

And so I don't think it would be fair to require Santander to refund the money Miss M has lost.

My final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 20 October 2025.

Alan Millward
Ombudsman