

The complaint

Mrs B and Mr S complain that Nationwide Building Society won't refund the money they lost when they were the victims of what they feel was a scam.

What happened

Between 2014 and 2022, Mrs B and Mr S made a number of payments out of their Nationwide account to someone who Mr S says told him they were carrying out work on a legal case for him. But Mr S says he never received any legal advice or services from the person he was paying, and was advised in 2022 to stop paying them. Mrs B and Mr S then later reported the payments to Nationwide as a scam and asked it to refund the money they had lost.

Nationwide investigated but said it felt this was a civil dispute between Mrs B and Mr S and the person they had paid, so it didn't agree to refund the payments. Mrs B and Mr S weren't satisfied with Nationwide's response, so referred a complaint to our service.

One of our investigators looked at the complaint. They didn't think the available evidence was enough to say Mrs B and Mr S had been the victims of a scam. So they didn't think Nationwide should have to refund the payments they had made. Mrs B and Mr S 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.

Having done so, I don't think it would be fair to require Nationwide to refund the payments Mrs B and Mr S made here. I'll explain why below.

Before our service considers whether a bank has done enough to protect its customers, we must first be satisfied that a customer has been the victim of a scam. But despite requesting evidence from them and giving them sufficient opportunity to provide it, I don't think we have enough information or evidence from Mrs B and Mr S here to safely conclude that the payments they have complained about were made as a result of a scam.

Mrs B and Mr S have said the payments were made to someone who said they were carrying out work on a legal case for Mr S. But they haven't been able to provide any evidence of any communication between Mr S and the person the payments were made to, or any evidence of any agreement between them for what the payments were for. They also haven't been able to provide any invoices from the person for the work they were supposedly carrying out for Mr S, or any evidence of the legal case Mr S was pursuing.

I appreciate Mrs B and Mr S have said Mr S mainly communicated with the person over the phone, so there wasn't any written communication with them to now provide, and that the person didn't provide Mr S with any invoices or documents relating to the case – despite him asking for them. But this means that the only evidence we have about what the payments

were for, and that the person didn't do what it was agreed they would in exchange for this money, is what Mrs B and Mr S are now telling us.

And so I don't think the evidence available here is sufficient to safely conclude that Mrs B and Mr S have been the victims of a scam, or to ask Nationwide to refund the payments they made from their account.

I recognise Mrs B and Mr S have said another bank Mr S sent payments to the person from has refunded him, and that the police are investigating the person Mr S sent the payments to. But I can't comment on why another bank has chosen to refund Mr S here, and I don't think it means Nationwide also has to refund them. And I haven't seen anything from the police specifically relating to the payments Mrs B and Mr S made or which confirms they have seen further evidence of them being the victims of a scam than our service has been provided with.

So I still don't think I can safely conclude that the payments Mrs B and Mr S have complained were made as a result of a scam. And so I don't think it would be fair for me to require Nationwide to refund any of the payments they made here.

My final decision

For the reasons set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B and Mr S to accept or reject my decision before 23 May 2025.

Alan Millward
Ombudsman