

## **The complaint**

Mrs K complains that The Royal Bank of Scotland Plc ('RBS') hasn't refunded money she lost when she was the victim of a scam.

## **What happened**

Mrs K was looking for a part-time job for some additional income to help support her family. She'd registered with a well-known website and was contacted by someone with details of a job. The role would involve completing tasks relating to digital marketing.

The person who'd contacted Mrs K stayed in touch through a messaging app and gave Mrs K step by step instructions to follow. Mrs K had to set up an account with a money remittance firm (which I'll call 'B'). To pay for the employment tasks she was told she'd need to fund an account with her employer by transferring money through B. Once she had completed tasks she'd be able to withdraw this money along with her pay.

Unfortunately, and unknown to Mrs K at this point, she was in fact dealing with a scammer and the job opportunity was fake.

On 14 and 15 August 2024, she made four card payments from her RBS account to her account with B for a total amount of £973.96. From B she sent that money onwards as directed by the scammer.

Mrs K says her account with B was then suspended. The scammer told Mrs K to set up another account with a different money remittance firm ('C'). Mrs K made a card payment to C on 28 August for an amount of £283.

However, the following day, she realised that she'd been deceived. Mrs K reported what had happened to RBS as a scam.

RBS looked into what had happened. It said it wouldn't refund her. It was unable to chargeback her card payments to B and C because in both cases the service those companies had provided was money transfer and they had fulfilled those transfers in line with Mrs K's instructions (and the money was lost in the onward transfers from Mrs K's accounts with B and C).

Mrs K remained unhappy and referred a complaint to this service for an impartial review.

Our Investigator considered everything. She sympathised with Mrs K. But she didn't think RBS needed to refund her. She didn't think RBS had been wrong to carry out the card transactions Mrs K had authorised. She said this was because the payments weren't particularly unusual or out of character compared to her typical usage and RBS couldn't have identified they might have been connected to a scam. She explained that RBS wouldn't have been able to raise a valid chargeback given that B and C had provided the transfer services Mrs K had paid them to carry out. The Investigator didn't think RBS had been at fault.

Mrs K was disappointed with this outcome. This was a large amount of money and losing it had impacted her and her family. She thought RBS should have refunded her.

In light of this disagreement I have therefore been asked to review everything afresh and make a final decision on Mrs K's complaint.

### **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'm sorry Mrs K has been the victim of a scam. I don't underestimate the impact it's had on her and her family. I appreciate it is a lot of money she has lost and what that has meant. I therefore understand why she is doing everything she can to recover it. But while I'm sympathetic to Mrs K's situation, I must consider whether RBS is responsible for the loss she has suffered rather than just the criminal who carried out the scam. I know this won't be the outcome Mrs K is hoping for, but for similar reasons as our Investigator, I don't think RBS has acted unfairly by not refunding the payments. I'll explain why.

In broad terms, the starting position at law is that a bank such as RBS is expected to process payments and withdrawals that a customer authorises it to make, in accordance with the Payment Services Regulations (in this case the 2017 regulations) and the terms and conditions of the customer's account.

It isn't in dispute that Mrs K authorised the disputed payments she made from her RBS account. The payments were requested by her using her legitimate security credentials provided by RBS for that purpose. And the starting position is that RBS ought to follow the instructions given by their customers, in order for legitimate payments to be made as instructed.

In some circumstances though, I'd consider it fair and reasonable to expect a bank to have taken additional steps prior to processing a payment instruction – where that payment might have been indicative of potential loss due to fraud or a scam. A bank might reasonably be expected to have such concerns where, for example, a payment instruction was unusual or significantly out of character for that customer.

When considering this, I've kept in mind that banks such as RBS process high volumes of transactions each day. And that there is a balance for RBS to find between allowing customers to be able to use their account and questioning transactions to confirm they're legitimate – as it wouldn't be practical for banks to carry out additional checks before processing every payment.

I've thought about the payments Mrs K made here. But I don't think they were so unusual or suspicious whereby I consider they should have stood out to RBS as being indicative of a potential fraud or scam. The disputed payments took place over the course of around two weeks. They were being made to legitimate money remittance providers and the amounts weren't significantly different to genuine transactions Mrs K had previously made on her account. I don't think these payments would have appeared unusual to RBS.

Taking everything into consideration, I don't think that RBS could reasonably be expected to have identified the risk here. As a result, I don't think it was at fault for not intervening. It had to carry out the payments instructed by Mrs K. I don't think the bank can reasonably be expected to have stopped these payments in the circumstances. Given this, I don't think RBS needs to refund Mrs K the transactions in question.

I've also considered whether, on being alerted to the scam, RBS could reasonably have done anything more to recover Mrs K's losses, but I don't think they could. The only possible option for recovery for her debit card payments would've been for RBS to have attempted a chargeback against the payees – that being B and C. But this likely wouldn't have had any reasonable prospect of success. This is because the payments went to legitimate money remittance providers who provided the service paid for, that being the transfer of funds. I don't think there was any realistic prospect of recovering these transactions.

I appreciate this outcome will come as a significant disappointment to Mrs K. I know she'd like me to give her a different answer, and from what she's explained I know how much of an impact this has had on her and her family. I'm sorry to hear she has lost the money she did and that she was the innocent victim of a cruel scam. The blame here rests with the actions of a criminal scammer who cynically tricked someone looking for a job into paying out a lot of their own money instead. But, I can only find against RBS if it was at fault or otherwise needed to do more, and I'm not persuaded that RBS can fairly or reasonably be held liable for what happened.

### **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 Mrs K to accept or reject my decision before 26 September 2025.

Stephen Dickie  
**Ombudsman**