

The complaint

Ms P is unhappy that Barclays Bank UK Plc won't refund payments she made because of a cryptocurrency based, investment scam.

What happened

In 2021, Ms P was a victim of a cryptocurrency based, investment scam which involved many payments over around 2 weeks to another account in her name held with a third-party electronic money institution (EMI).

In summary, Ms P said in late 2020 she received a cold call from a representative from a cryptocurrency-based investment company. The person told her she would make big profits if she opened an account with them on their website and made an investment with them. She was then asked to download a third-party access application called 'Anydesk'. She said she made an initial payment of £125 on 30 November 2020 with another firm to them. Ms P said she made this first payment, but then the several payments made after that from her Barclays account were not authorised by her. She said when she went to withdraw funds from her account, she was unable to do so. She realised at this point that she had been scammed, and she was blocked by the representative that first contacted her.

Ms P said the money she moved from Barclays to her EMI account, was then moved by the scammers to an account in her name in Poland, but she was unaware of this and had never been to that country.

Ms P reported what happened to Barclays on 8 May 2024 and at the same time, raised a complaint it failed to protect her from the scam. Barclays replied that it couldn't recover the payments, and it made the payments Ms P told it to. It said it made no errors. It said it would not refund any of Ms P's losses back to her, as these happened with another party, the EMI. It said she should complain to them instead.

Unhappy, Ms P brought her concerns to our service to investigate.

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've reached the same outcome as our investigator for these reasons:

- The starting position in law is that Ms P is responsible for the payments she made. And Barclays has a duty to make the payments she tells it to.
- But, as supported by the terms of the account, that doesn't preclude Barclays from making fraud checks before making payment. And, considering regulatory expectations and good industry practice, I'm satisfied that it should fairly and reasonably do this in some circumstances.

Were the disputed payments made, authorised by Ms P?

- Ms P said she only authorised one payment to the scammers, this being the first one she made to them, from a different payment provider. She said all the disputed payments made with Barclays were not authorised by her.
- I think on balance though, after reading what has been said by the parties and looking through the documents, including Ms P's bank statements, she authorised all these disputed payments.
- I make this conclusion, for many of the same reasons already been put forward up to this point. I also can see the following:
 - There is no evidence of Ms P's mobile banking app or device being compromised.
 - Ms P said she hadn't provided her card details to the scammers.
 - Ms P moved money between accounts, to facilitate payments being made showing she was involved in ensuring there was enough money for the payments.
 - The payments were made over a 2-week period.
 - Ms P said she called Barclays to discuss why payment had been blocked on 16 January 2021.
 - There was a note on Barclays system that stated Ms P called it to inform them she was going to make a payment on 22 February 2021.
- For the above reasons, as I have already said, I am persuaded Ms P has authorised all the disputed payments. I've not seen enough to say any of the payments were not authorised by her.

Did Barclays do enough to protect Ms P from fraud when she made the disputed payments?

- Looking at Ms P's account history, I'm not persuaded the first 4 payments appeared so uncharacteristic that Barclays ought to have suspected she was falling victim to a scam. These were for the payments she authorised between 5 February 2021 and 15 February 2021. They weren't significant in value; and Ms P had made similar payments previously in her account.
- Barclays did intervene through the app, and asked Ms P what the second payment was for, for which she selected 'investment'. Barclays would have provided a warning about investment scams at this point, and Ms P proceeded with the payment. I think, after what I have concluded above, that Barclays' response here was proportionate and I don't think it needed to do anything further at this stage.
- Barclays then stepped in, when Ms P tried to make a third payment to Wise on the same day, this being 15 February 2021. It cancelled the transfer and there is a note to say it tried to contact Ms P but was unable to.
- It is then unclear about what happened next. Ms P said she spoke to Barclays on the phone on 16 February 2021. Barclays said it didn't hold any information about this. I can't be sure what happened, but based on Ms P's recollections of this call, and in the absence of any other information available, I think on balance, it did happen.

- It is likely in that call that a conversation was had to confirm what the payment the previous day was for. Ms P had, on the previous day, selected in the app that she was making the payments to 'friends and family' and was transferring the money to an account in her own name with an EMI. I am persuaded she would have done the same here as well. I think with that being the case, Barclays may well have provided a warning in that regard and not uncovered the scam. The payment on 16 February 2021 was then authorised along with another for a smaller amount on the same day.
- Finally, Ms P contacted Barclays on 22 February 2021, and aimed to pre-empt an intervention by informing it she was looking to make a payment and where she was looking to send it to. She would have presumably spoken to a representative on the phone, who would have asked questions about this payment, and then authorised it. It seemed to me Ms P was motivated to make this payment regardless of what was said here.
- When I look through the payments that Ms P made between 5 February 2021 and 22 February 2021, I can see that Barclays have made interventions and responded to the information Ms P has provided it. I don't think I can fairly conclude it should have done more at any stage. I think its actions were proportionate when all the payments were made, and either it didn't need to do anything or when it did and provided a warning, Ms P decided to proceed anyway. It follows that I think Barclays did enough on each occasion, and I don't think it did anything wrong with these payments.

Recovery

- I will quickly mention recovery, although by the time Ms P reported matters to Barclays, it was likely too much time had passed for any chances of recovery to be possible.
- But in any case, many of the transfers were made to an account in her name and control, so there would be no grounds for recovery here. And in relation to the card payments, Ms P received the goods she paid for, this being the purchasing of cryptocurrency. So, recovery was not going to happen on any of these payments.

I do appreciate how disappointing this will be for Ms P, but for the reasons I've explained but I don't think the losses she said she's made can be attributed to something Barclays did wrong. So, I don't uphold her complaint.

My final decision

For the reasons I've explained, my final decision is that I do not uphold Ms P's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms P to accept or reject my decision before 12 September 2025.

Mark Richardson
Ombudsman