

The complaint

Mrs M complains that Santander UK Plc (Santander) is refusing to refund her the amount she lost as the result of a scam.

Mrs M is being represented by a third party. To keep things simple, I will refer to Mrs M throughout my decision.

What happened

The background of this complaint is well known to all parties, so I won't repeat what happened in detail.

In summary, Mrs M has told us that she heard of an investment company I will call "X" when a friend of someone she knew mentioned it in passing. Mrs M looked into X and was invited to several webinars that explained the opportunity in more detail.

Mrs M says the information appeared genuine and she was advised she would receive returns from X's investments in Forex trading.

Mrs M has told us she communicated with X via different messaging application and that as part of the investment process she was required to exchange funds from her Santander account to cryptocurrency through a cryptocurrency exchange before moving the funds to X.

Mrs M was told she could withdraw funds from the investment at any time, but when she attempted to do this, she was unable to make a withdrawal and realised she had fallen victim to a scam.

Mrs M has disputed the following payments:

Payment	Date	Payee	Payment Method	Amount
1	12 August 2021	Foris Dax	Transfer	£3,699
2	31 October 2021	Foris Dax	Transfer	£3,300
3	19 November 2021	Foris Dax	Transfer	£12,200

Our Investigator considered Mrs M's complaint and didn't think it should be upheld. Mrs M disagreed, so this complaint has 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.

It has not been disputed that Mrs M has fallen victim to a cruel scam. The evidence provided by both Mrs M and Santander sets out what happened. What is in dispute is whether Santander should refund the money Mrs M lost due to the scam.

Recovering the payments Mrs M made

Mrs M made payments into the scam via transfer. When payments are made by transfer Santander has limited options available to it to seek recovery.

In any event it appears Mrs M made the disputed payments to a genuine business and received cryptocurrency in return for the payments she made. As the cryptocurrency was provided to Mrs M and it took further steps for the funds to end up in the hands of the scammer any attempts to recover the payments Mrs M made from her Santander account would have no chance of succeeding.

Should Santander have reasonably prevented the payments Mrs M made?

It has been accepted that Mrs M authorised the payments that were made from her account with Santander, albeit on X's instruction. So, the starting point here is that Mrs M is responsible.

However, banks and other Payment Services Providers (PSPs) do have a duty to protect against the risk of financial loss due to fraud and/or to undertake due diligence on large transactions to guard against money laundering.

The question here is whether Santander should have been aware of the scam and intervened when Mrs M made the disputed payments. And if it had intervened, would it have been able to prevent the scam taking place.

The first payments Mrs M made in relation to the scam were spread out over a three-month period, and while they were being made in relation to cryptocurrency, at the time they were made, cryptocurrency related scams were not as common as they are now and the risks were not as well-known. The value of the payments were also not so significant that I would have expected Santander to have concerns Mrs M may have been at risk of being caused financial harm. So Overall I don't think it was unreasonable that Santander did not intervene when these payments were made.

The third payment Mrs M made in relation to the scam was for a more significant value of £12,200. I think that considering the value of this payment Santander should have had concerns and it should have intervened.

I can see that Santander did intervene when Mrs M attempted to make payment 3 and a conversation took place over the phone. Santander has provided a recording of the call.

During the call Mrs M confirmed that no one had called her and offered to trade on her behalf and no third-party was involved. Mrs M confirmed on more than one occasion in the call that no third-party was involved.

The information Mrs M had provided to Santander about the payment was not correct, providing incorrect information to Santander would have made it very difficult for Santander to uncover the scam that was taking place. Had Mrs M been more honest and confirmed that a third party was working on her behalf I think it's likely Santander would have probed further, and the scam could have been uncovered.

Mrs M has told us that Santander should have provided a more thorough intervention and that this would have prevented the scam, but with the above in mind, I don't think Santander missed an opportunity to uncover the scam and it is not responsible for Mrs M's loss.

My final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 8 August 2025.

Terry Woodham
Ombudsman