

## **The complaint**

Mr F complains about the actions of Santander UK Plc when he lost money to a scam.

Mr F is being represented by a legal representative but, for ease of reading, I'll only refer to Mr F.

## **What happened**

The detailed background to this complaint is well known to both parties. So, I'll only provide a brief overview of some of the key events here.

In May 2024 Mr F was searching online for ways to enhance his financial stability. He found an advert by a merchant online about investing in crypto with an account manager. After speaking with a representative of the merchant, Mr F agreed to send money from his Santander account to accounts in his name with a payment service provider and another bank before moving the funds to the merchant. Mr F realised he had been scammed when he was repeatedly asked to provide more funds to withdraw his money. So, he made a claim to Santander who said it wouldn't be offering him a refund as it hadn't done anything wrong. Unhappy with that response Mr F brought his complaint to this service.

Our Investigator didn't think the complaint should be upheld. He said that the payments were made to accounts in Mr F's name with Santander confirming confirmation of payee on the payments. So, he didn't think the payments would've appeared sufficiently unusual to Santander at the time. He added that when Santander asked for payment reasons from Mr F, he told them he was paying another account and paying for a service as the payment reasons whereas he should've said it was being used to buy crypto.

Mr F disagreed and asked for an Ombudsman's review. He said the three payments he made on 16 May 2024 for a total of £9,000 should've seemed suspicious to Santander and that he was honest with Santander when confirming the payment reason as transferring to another account because that's what he was doing at the time.

## **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 conclusion as our investigator. And for largely the same reasons. I'm sorry to hear that Mr F has been the victim of a cruel scam. I know he feels strongly about this complaint, and this will come as a disappointment to him, so I'll explain why.

I've read and considered the whole file. But I'll concentrate my comments on what I think is relevant. If I don't mention any specific point, it's not because I've failed to take it on board and think about it, but because I don't think I need to comment on it to reach what I think is a fair and reasonable outcome.

It is common ground that Mr F authorised the scam payments of around £14,296. I accept that these were authorised payments even though Mr F was the victim of a scam. So, although it wasn't his intention to pay money to the scammers, under the Payment Services Regulations 2017 (PSRs) and the terms of his account, Mr F is presumed liable for the loss in the first instance.

However, taking into account the law, regulatory rules and guidance, relevant codes of practice and good industry practice, there are circumstances where it might be appropriate for Santander to take additional steps or make additional checks before processing a payment to help protect customers from the possibility of financial harm from fraud.

So, the starting point here is whether the instructions given by Mr F to Santander (either individually or collectively) were unusual in relation to his typical account activity. So, I've reviewed the account statements around the time Mr F made the payments in question here. The account was typically well maintained with the balance ranging from around a few hundred pounds up to several thousand pounds. The payments Mr F made here were going to accounts in his own name. The first two payments to a payment service provider wouldn't have seemed unusual for his account based upon their value (£5.05 and £1,363.50). The three £3,000 payments Mr F has mentioned on 16 May 2024 didn't drain the account of all its funds suddenly. And I note that Mr F would sometimes make larger payments on his account from time to time. I can see from his statements that he made payments ranging from £1,000 on 01 March 2024 to £4,814.25 in August 2023 and £4,089.75 in July 2023. So, I agree with the Investigator that these payments wouldn't have seemed sufficiently unusual to Santander to warrant further intervention here. I note Santander did ask for a payment reason for all three payments that Mr F made that day. He told Santander that he was moving money to his own account which isn't untrue, but he was given the option to select 'an investment or crypto account'.

So, I agree the payments were going to one of Mr F's accounts, but it was also being sent for an investment into crypto. As a result, I don't think he selected the correct payment reason here. However, I don't think I need to comment any further on that because I don't think I can reasonably say to Santander that the payments Mr F made were sufficiently unusual enough to warrant further intervention. It's not uncommon for customers to send larger payments from time to time and to move money between their accounts. As a result, I'm not satisfied that Santander would've been sufficiently suspicious of the three payments on 16 May 2024 (or any others) that Mr F sent towards this scam so that they should've stopped them and asked him further questions.

In terms of the recovery of Mr F's money, because he was sending money to himself before forwarding the money to the scammer, there wasn't any money for Santander to recover on his behalf here.

In these circumstances I can't conclude the outstanding loss is the fault of Santander. To be clear, I'm not blaming Mr F for the loss – it's ultimately the scammer who is to blame. But for the reasons I've explained above, I don't think he's been treated unfairly by Santander.

### **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 Mr F to accept or reject my decision before 25 November 2025.

Mark Dobson

**Ombudsman**