

## **The complaint**

Mr J is unhappy that Metro Bank PLC won't reimburse money he lost to a scam.

Mr J is represented by a third-party claims firm, but I will refer to Mr J here.

## **What happened**

The background to this complaint is well known to both parties, so I won't repeat everything here. In summary, Mr J has explained that between January 2021 and September 2024 he made payments from an account he has with another provider to his Metro account. He then used the funds to buy cryptocurrency which he ultimately lost to an investment scam.

Mr J says he was contacted by a scammer and introduced to an investment. He says the scammer showed him a copy of his passport and the profits he had made from investing. Mr J advises this was done with the intention of luring him in and gaining his trust. He said he was also given access to a trading platform where he was shown fake profits. They also helped him to open accounts with a number of trading platforms as part of the scam.

Mr J realised he had been scammed when he wasn't able to withdraw any profits. Mr J reported he had been scammed to Metro. He has told us he lost £87,936 as a result of the scam.

Mr J raised a complaint with Metro. Metro didn't think it had done anything wrong by allowing the payments to go through. So, Mr J brought his complaint to our service.

Our investigator looked into the complaint but didn't uphold it. Our investigator didn't think the payments Mr J made were unusual and so they didn't feel Metro should have identified a scam risk. Mr J didn't agree. He said, in summary, that Metro hadn't protected him or made him aware of the risks of investing. He also explained that some of the payments were made after the Consumer Duty had come into force, which he said puts obligations on businesses to avoid foreseeable harm to customers.

Mr J's complaint has now been passed to me for a review and a decision.

## **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 think it's important to note here that although Mr J has provided some chats he had with the scammer covering a short period of time and statement data, we have not been provided with evidence to show that the funds invested were subsequently sent to the scammer. Generally, I would expect to see some more evidence to link the disputed payments to a scam, before considering if Metro should have done anything else to intervene in the payments. There were also several credits into Mr J's account from the trading platforms he was using during the period of the scam, and from the information that's been received about this, it's not clear if Mr J has suffered all the losses he's described. However, I don't think this

makes a difference to the outcome of Mr J's complaint because, like the Investigator, I don't think Metro ought reasonably to have identified the payments as suspicious or out of character, such that it ought to have intervened. So, I'm going to proceed on the basis that Mr J did suffer a loss to the scam he's described.

In line with the Payment Services Regulations 2017, consumers are generally liable for payments they authorise. Metro is expected to process authorised payment instructions without undue delay. But in some circumstances a bank should take a closer look at the circumstances of the payments – for example, if it ought to be alert to a fraud risk, because the transaction is unusual for the customer, or otherwise looks characteristic of fraud. And if so, it should intervene, for example, by contacting the customer directly, before releasing the payments. But I'd expect any intervention to be proportionate to the circumstances of the payment.

Metro didn't identify that Mr J might be at risk of financial harm from a scam when he made the disputed payments. So, I need to decide if the transactions were concerning enough that I would have expected Metro to have had a closer look at the circumstances surrounding them. But I also need to keep in mind that banks such as Metro process high volumes of transactions each day, and that there is a balance to be found between allowing customers to be able to use their account and questioning transactions to confirm they are legitimate.

I've reviewed Mr J's account statements, and I can't conclude that the payments made to the scam would have looked particularly unusual or suspicious to Metro. Mr J's statements confirm he had been using his account to invest before he fell victim to the scam and that he'd previously used one of the trading platforms before the scam occurred. So, when he did start making payments towards the scam, and used the same platform he had previously used, they would not have appeared as unusual or outside his usual spending habits. The majority of the payments made towards the scam were £500 or under. And although I appreciate that the payments may have represented a lot of money to Mr J, they were simply not of a value where I'd usually expect Metro to be concerned that Mr J was at a heightened risk of financial harm.

I've also considered the frequency of the payments. The scam payments were made over several years. Scams rarely persist for such lengthy periods, so the payments were unlikely to have raised suspicion with Metro. The payments did not increase significantly during this time, which is something that can happen when a customer is falling victim to a scam. So, based on the circumstances I wouldn't have expected the payments to have caused Metro concern.

Mr J has advised that Metro should have intervened as the payments were high risk. The payments were made to legitimate cryptocurrency providers. And while there are known fraud risks associated with cryptocurrency, as scams like this have unfortunately become more prevalent, not all payments related to cryptocurrency are scam related. This means that I wouldn't expect Metro to intervene on a payment just because it related to cryptocurrency.

So, while Metro should be looking out for signs that their customers are at risk of financial harm from fraud, I'm not persuaded the value, the destination of the payments or the frequency of them were so unusual or suspicious for Metro to have suspected Mr J was at risk of financial harm - thereby prompting it to intervene before processing them.

I've also considered the comments Mr J has made regarding Metro's obligations following the introduction of the Consumer Duty. However, given the information that was available to

Metro at the time Mr J made these transactions, I don't think the loss was foreseeable in these circumstances for the reasons I've explained above.

Taking all of this into consideration, I don't think Metro ought to have done more before following the instructions Mr J gave.

*Could Metro have done anything to recover Mr J's money?*

Metro attempted recovery of Mr J's transactions. However, they were converted into cryptocurrency and paid to the scammer. Therefore, I don't think there was any realistic possibility of recovery.

I realise this means Mr J is out of pocket, and I'm really sorry he's lost money. However, I don't think I can reasonably tell Metro to reimburse him.

### **My final decision**

For the reasons I have explained, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 20 October 2025.

Aleya Khanom  
**Ombudsman**