

### **The complaint**

Mrs W is unhappy that NATIONAL WESTMINSTER BANK PUBLIC LIMITED COMPANY (NatWest) won't reimburse money she lost to a scam.

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

### **What happened**

The background to this complaint is well known to both parties, so I won't repeat everything here. In summary, Mrs W has explained that between April and September 2023 she made payments from her NatWest account to another account in her name (which I will refer to as "R") to buy cryptocurrency which she ultimately lost to an investment scam.

Mrs W said she found the investment opportunity online which she said was endorsed by a well-known public figure. She contacted the investment company (which I will refer to as "B") believing it was a legitimate investment opportunity. She advised that she carried out research into B and found that the online reviews were positive. She was also required to complete identification checks which gave her confidence in the investment. She was also given access to a platform.

Mrs W advises that B's platform showed she was generating profits, so she continued making payments. She has explained that at one point her account balance with B reached over £200,000. When she attempted to withdraw some of these funds she was advised she needed to pay various fees and taxes but despite making these payments she couldn't withdraw her funds. It was at this point that she realised she had been scammed. Mrs W has advised she lost around £90,000 as a result of the scam.

Mrs W raised a complaint with NatWest. It didn't think it had done anything wrong by allowing the payments to go through. So, Mrs W brought her complaint to our service.

Our Investigator looked into the complaint but didn't uphold it. She explained that NatWest had identified a scam risk with some of Mrs W's payments and had spoken to her several times before releasing some of the funds. However, Mrs W had provided inaccurate information to NatWest when questioned about them which made it difficult to identify the scam. Our Investigator also explained Mrs W had done the same when questioned about the payments made from her R account. So, in the circumstances, she didn't feel that further intervention from NatWest would have stopped Mrs W from sending the funds.

Mrs W didn't agree with the outcome. In summary, she said that the payments made from her account were highly unusual. She thought that the scam would have been revealed if NatWest had probed her further.

Mrs W's complaint has now been passed to me for 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.

Having done so, I've come to the same outcome as the Investigator for largely the same reasons. I'll explain why.

I'm aware that I've summarised this complaint briefly, in less detail than has been provided, and in my own words. No courtesy is intended by this. Instead, I've focussed on what I think is the heart of the matter here. If there's something I have not mentioned, it isn't because I have ignored it. I haven't. I'm satisfied that I don't need to comment on every individual point or argument to be able to reach what I think is the right outcome. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts.

In broad terms, the starting position in law is that a bank is expected to process payments and withdrawals that a customer authorises it to make. It isn't disputed that Mrs W knowingly made the payments from her account – albeit under the direction of the scammer – and so, I'm satisfied she authorised them. Therefore, under the Payment Services Regulations 2017 and the terms of her account, NatWest is expected to process Mrs W's payments, and she is presumed liable for the loss in the first instance.

But in some situations, it might be appropriate for NatWest to 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, or looks out of character or suspicious. And if so, it should intervene, for example, by contacting the customer directly, before releasing the payments. This is to help protect customers from the possibility of financial harm from fraud. But I'd expect any intervention to be proportionate to the circumstances of the payment.

NatWest recognised that some of the payments Mrs W was making were high risk and provided her with advice and warnings to try and protect her from being scammed. It spoke to her on a number of occasions during the scam period. The first payment it intervened on was on 3 May 2023 for £5,000, which I think was the right time to question her about her transactions. The payments before this date were much smaller and when reviewed against her account activity wouldn't have warranted further investigation.

I'm satisfied that NatWest asked the necessary probing questions at each stage. I've highlighted some of the key messages shared in the calls below.

- NatWest questioned Mrs W about the account with R on multiple occasions. She explained she had opened the account without the help of a third party and that no one else had control of the account. She also told NatWest that the account had been open for several months.
- NatWest asked Mrs W if anyone had asked her to lie to it and advised that if this turns out to be a scam she could lose all her money. It explained this during multiple calls.
- She was asked about the loans she had taken out and whether she had been coached to take them out, or if she had done so independently.
- NatWest also asked if anyone had advised her to transfer the funds or if anyone was pressuring her to do this or telling her what to say. It questioned her on this point during multiple calls.
- It asked if the previous payments she had made had reached R. It also questioned her on why she was sending multiple payments.
- NatWest asked about how much she planned on moving to the account and why she was doing this. Mrs W explained she was going on a trip abroad. NatWest queried when she was going and Mrs W confirmed she was getting her funds ready for the

trip. When questioned about another payment she advised it was for a gift she was planning on buying for her husband.

- It also asked if she was being told to send payments to get her funds back or whether this was related to cryptocurrency. Mrs W confirmed that wasn't the case.
- In one call Mrs W explained that she was visiting a sick relative and that she needed the funds for his hospital treatment. When NatWest questioned her on this, she explained why her relative needed an operation and that the costs on this were high.
- NatWest provided education around scams in general, talking through other types of scams, including the fact that criminals will often tell customers to lie to banks. It explained why such scenarios are scams. It also provided Mrs W with details about scams via a text message.

Mrs W had provided the incorrect payment purpose on multiple occasions when questioned about the payments. She didn't highlight that the payments she was making were for cryptocurrency or that she was being guided by the scammers despite being questioned on this. Her answers wouldn't have led NatWest to think she might be falling for a scam. So, I think it would have been difficult for NatWest to provide Mrs W with further advice on how to protect herself based on the information she had given it.

If Mrs W had advised she had reached out to B online and that she was required to send payments to B's platform, which she didn't have access to, then I think NatWest would have identified this as a red flag and taken further steps to protect her. Unfortunately, NatWest were prevented from knowing the true purpose of the payments. And so, I don't think it acted unreasonably by providing the scam warnings it did.

I'm aware Mrs W has said NatWest ought to have been aware that victims may be coached, and that cryptocurrency scams are multilayered. While I agree that NatWest should be mindful of these factors, I cannot reasonably ignore the responses Mrs W provided NatWest and R when questioned about her payments. I also wouldn't expect a firm to interrogate a customer when assessing whether they had been coached. And having listened to the calls with NatWest, I don't think there was anything within those calls which would have put it on notice that she might be falling victim to a scam. I also think that over the course of the calls NatWest asked probing questions which were proportionate in the circumstances of the payments.

Mrs W has argued that NatWest should have probed further on some of the payments and that this would have revealed the scam. I have thought about whether any further probing would have made a difference. When considering this, I've kept in mind that firms process high volumes of transactions each day. And that there is a balance for NatWest to find between allowing customers to be able to use their accounts and questioning transactions to confirm they're legitimate.

On balance I don't think further intervention would have made a difference. This is because Mrs W also provided misleading information to R when it intervened to discuss payments so even if NatWest had probed further, I don't think Mrs W would have revealed the true reasons for the payments. The scam chats confirm she reached out to the scammer when R intervened on some payments and that she answered these questions in line with the scammer's advice. It's clear that Mrs W trusted what she was being told by the scammers about the investment and that she was willing to provide inaccurate information in order to get the payments processed. I think Mrs W was sadly very much under the spell of the scammers. It's likely this was due to the profits the scammers had promised her. But I can't ignore the fact that she was knowingly giving false information, despite the warnings being applicable to her circumstances. So, on balance, I don't have enough to say that if NatWest had intervened at any other stage and asked Mrs W further questions, that she would have provided the true purpose behind the payments.

So, I don't think there is anything further I would have expected NatWest to do before processing the payments.

I understand that Mrs W was experiencing some difficult circumstances at the time she fell victim to the scam and has advised the scammers exploited her vulnerabilities. I'm sorry to learn about this. But from what she's said, I think there were enough concerns with the investment which Mrs W should have taken into account before sending her funds. And I can't say that NatWest was or should have been aware that she was vulnerable or made any special adjustments for her at the time the transactions were made.

I've considered whether NatWest could have done anything to recover Mrs W's payments once the scam was uncovered, but because the payments were sent to another account in Mrs W's name, and then on to the scam, it wouldn't have been possible for NatWest to recover them. There's also been a significant delay in reporting the scam so I don't think any funds would have remained.

### **My final decision**

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs W to accept or reject my decision before 25 December 2025.

Aleya Khanom  
**Ombudsman**