

## The complaint

Miss M complains that Bank of Scotland plc won't refund payments she made as a result of a scam.

## What happened

Miss M was the victim of a job scam involving the following payments from her Bank of Scotland account:

Ref	Date	Description	Amount
1	25 August 2023	Payment to Miss M's Wise account	£20.08
2	26 August 2023	Payment to Miss M's Wise account	£10.04
3	26 August 2023	Payment to Miss M's Wise account	£62.00
4	27 August 2023	Payment to Miss M's Wise account	£207.87
5	27 August 2023	Payment to Miss M's Wise account	£58.00
6	28 August 2023	Payment to Miss M's Wise account	£82.34
7	28 August 2023	Payment to Miss M's Wise account	£650.00
8	28 August 2023	Payment to Miss M's Wise account	£1,543.00
9	28 August 2023	Payment to Miss M's Wise account	£3,979.48

In summary, Miss M was contacted over WhatsApp about an online job opportunity for a company I'll call 'C', where she'd need to complete tasks to review films on an online platform in exchange for commission. Some of these tasks were 'premium tasks' that she'd earn a lot more for. These required her to send her own money to the 'latest merchant account', which she'd get back alongside her earnings when she completed a certain number of tasks.

To make the payments and receive earnings, Miss M was told to set up a Wise account and was given details from C about where to send the money from there. To fund these Wise payments, Miss M made several transfers from her Bank of Scotland account, as detailed above.

Bank of Scotland doesn't have evidence to show whether Miss M would've seen warnings when she made these payments to Wise.

Wise submit she was shown a message about protecting herself from scams when she made the onward payments. And that she asked for the purpose of the payment from a list of options – it says one of these options was '*Paying to earn money by working online*'. Its records state that Miss M selected '*Sending money to friends and family*' for each payment, and she subsequently answered that she'd met the person she was paying in real life, and they'd not messaged unexpectedly. Miss M said she did this on C's advice.

As the scam continued, Miss M was required to pay increasing amounts for 'premium tasks', so she'd be able to complete the set of tasks and withdraw her earnings and what she'd paid. This culminated in her sending a payment from Bank of Scotland to Wise for £3,979.48, and attempting to make a payment for a similar amount from there towards the scam. However, she wasn't able to do this, or move the money to use it elsewhere, as Wise

had placed her account under review following the previous payment.

Shortly after, she realised she'd been the victim of a scam and raised the matter with Bank of Scotland. It didn't refund the payments and it declined her subsequent complaint. In summary, it said it wasn't covered under the Contingent Reimbursement Model as she made the payments to her own account – it suggested she contacted Wise for help. It acknowledged that the final payment, for £3,979.48, ought to have been flagged as it's out of the ordinary, so it paid Miss M £40.00 as an apology. It said it didn't pay more, as this money wasn't lost to the scam because Wise blocked the onward payment.

Unhappy with its response, Miss M brought her concerns to our service to investigate. She also has raised concerns with Wise, but to be clear this decision only investigates Bank of Scotland's liability for what happened.

### **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:

- It's not disputed that Miss M was the victim of a scam. These are very distressing experiences, and I'm sorry to hear about what she's been through, both emotionally and financially.
- My role is to consider whether it's fair to hold Bank of Scotland, as her bank, responsible for her losses from the scam. There are various rules and codes that mean victims of scams ought to be refunded in some circumstances. But to be clear, there's isn't an overarching, general expectation that Bank of Scotland ought to refund victims of scams.
- Given the nature of the payments in dispute here, the starting position is that Bank of Scotland has a duty to make the payments Miss M tells it to. And that she is responsible for payments she made.
- But that doesn't preclude Bank of Scotland from making fraud checks before making a payment. And, taking into account regulatory expectations and good industry practice, I'm satisfied that it should fairly and reasonably have done this in some circumstances.
- Here, Bank of Scotland accept it should've intervened when payment 9 was attempted for £3,979.48. But ultimately this money was returned to her account when Wise blocked the onward payment. So Miss M didn't lose out as a result of its error.
- I've considered whether the circumstances around the payments meant Bank of Scotland ought to have intervened sooner than payment 9. I'm mindful that, to a certain extent, Bank of Scotland would've been reassured by how the payments were going to account in her own name. And while I realise it was a lot for Miss M to lose, I don't think the payments stood out as particularly significant in value – particularly when considering the number of payments like these that Bank of Scotland processes and the impracticalities of interfering with them. I recognise Miss M's point that the payments were generally increasing in value. But I don't think that pattern was so obvious for payments 1 to 8 that I'd have expected them to have been flagged. In contrast, payment 9 made that pattern clearer – and it was more than all the other payments she'd made put together.

- Taking this all into account, I'm not persuaded that Bank of Scotland acted unreasonably when it processed payments 1 to 8 in line with Miss M's instructions without completing further checks. Afterall, it must balance protecting her from fraud with its corresponding duty to make the payments she tells it to in a timely manner.
- As well as whether Bank of Scotland could've prevented her losses, I've considered whether it ought to have done more to recover them. But as these went to an account in her own name, and the money was lost to the fraudsters from there, I don't think it could've reasonably helped to get her money back.
- I do appreciate how disappointing this will be for Miss M, who has clearly fallen victim to a horrible scam. But for the reasons I've explained, I don't think her losses can be attributed to something Bank of Scotland did wrong. So I don't uphold her complaint.

### **My final decision**

For the reasons I've explained, I don't uphold Miss M's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 17 July 2025.

Emma Szkolar  
**Ombudsman**