

The complaint

Miss S complains that Santander UK Plc ('Santander') won't refund the money she lost to an investment scam.

She's represented by a firm of solicitors. For simplicity, I'll refer to Miss S throughout this decision.

What happened

The background is known to both parties, so I won't repeat all the details. In summary, Miss S says her brother was contacted through social media by a representative of a company (I'll call 'F') and that he then introduced her to F's 'investment fund' which she now believes was a scam. She also said that F had initially found her via another social media platform.

She says it was explained that F provided a service where professional and experienced investors would help beginners. And that, believing the opportunity was legitimate, she made a card payment of £5,000 on 28 January 2022 from her Santander account to an account with a legitimate trading platform ('V'). The funds were then sent on and managed by F as part of a pooled investment that was controlled by F and which she cannot now access.

A complaint was made to Santander in 2024 and referred to our Service. Our Investigator considered it and didn't uphold it. In brief, he thought there was insufficient evidence to show Miss S had lost money to a scam instead of a risky investment. He said that, even if F was a scam, it's unlikely an intervention by Santander would have stopped Miss S from making her payment given the level of intervention he'd have expected and the circumstances in which the opportunity had come about.

As the matter couldn't be resolved informally, it's 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.

Having done so, I've decided not to uphold it for similar reasons as the Investigator.

In line with the Payment Services Regulations 2017, a firm is expected to process authorised payment instructions without undue delay. It's not in dispute Miss S authorised the payment in question, so the starting position is that she's liable for the loss in the first instance. And while there are situations where I'd expect a firm to take proportionate steps to protect its customer from the risk of financial harm from fraud, I'm not convinced it's more likely than not that Miss S lost her money to a scam here, as opposed to a failed investment.

From the evidence, including the group chat that was set up between F and family members (Miss S was later added), it seems personal accounts were first opened with V. The funds were then pooled to be used by F for trading. Performance reports were shared and the 'fund' was producing returns as expected. Miss S was able to see the results of those trades

and, on the evidence, these were carried out within V – the legitimate regulated platform.

There was then a sudden downturn in September 2022. In explaining what happened, F made reference to significant unexpected losses resulting from the collapse of the pound and the effects of geopolitical events at the time. There was also mention of bad trades. A face-to-face meeting was then held a few days later to discuss a way forward. And a plan was agreed in October 2022, where it seems F was to continue trading with funds it was to pay into accounts with V, in line with a 'flexible schedule'. I'm aware that at least £2,000 was paid to Miss S (and also her brother) in December 2022.

There are then gaps in the communication that's been provided. What I've seen are some further messages in the group chat in 2023 and some screenshots of messages in mid-2024. In December 2023, mixed in with general chat, Miss S's brother wrote "*Looks like the accounts are nearing trading, that will be nice! Better late than never*". By July 2024, he was chasing F, asking "*when will we be able to receive the \$20K*". It's unclear why this amount, almost two years later, in the context of the losses being claimed across all cases referred to our Service by the family members involved. But, like the Investigator, I think it's unusual for a scammer to continue contact for so long or for them to return funds without the prospect of enticing more. I'm not aware Miss S paid F anything other than the January 2022 payment.

There's also little information about F itself for me to conclude it was a scam. While a notice was issued by the FCA about a company Miss S says was linked to F, I'm mindful this was to warn it was providing financial services without authorisation. And while some of the marketing methods used may be considered unethical, that doesn't necessarily mean F was operating a scam. To be clear, it's possible F was a scam. But, on the evidence, I'm not convinced there's enough for me to find that's the more likely scenario.

Even if I'm wrong about that, and F was a scam, I still don't think it'd be fair to uphold this complaint. As before, there are some situations where I consider that a firm (like Santander) taking into account relevant rules, codes and best practice, should reasonably step in to take a closer look at the circumstances of a payment – if, for example, it's particularly suspicious.

I think it's arguable that the £5,000 payment Miss S made in January 2022 should have triggered Santander's fraud prevention system. But I'm not persuaded that a proportionate intervention would have likely been enough to stop Miss S from making her payment.

Miss S has herself described the aspects that made her think F was providing a genuine opportunity. She's told us she thought she was dealing with an "*extremely professional and articulate individual immediately building a trusting rapport*". I think it's significant that she was introduced to F by her brother. We've been told he'd "*conducted extensive research*" into F before referring others. It's also significant that, by January 2022, the relationship with F had been going on for some time and meetings had been held with its representatives. Miss S would have known that other family members were investing and seeing returns. In her messages with F, she wrote shortly before her payment "*I'd definitely like to get on the bandwagon to invest as everyday I'm hearing how much everyone is making...*"

In my view, if this was a scam, then Miss S was heavily under its influence by January 2022. I'm not persuaded proportionate steps from Santander – advising, for example, Miss S to carry out more checks/due diligence into F (it wasn't the bank's responsibility to do so on her behalf) – would have revealed anything significant or likely resulted in no payment being made to what she understood her family was involved in and was providing returns. And, as a matter of causation (assuming this was a scam) I couldn't hold Santander liable for Miss S's losses where, on balance, I'm not satisfied it would have likely prevented them.

To summarise, I'm sorry Miss S lost some of her money. But I'm not persuaded F was likely

running a scam in relation to her payment. Even if it was, I'm not persuaded a proportionate intervention would have likely made a difference to what happened, such that it'd be fair to hold Santander responsible for her losses. For completeness, in terms of recovery, it's highly unlikely a chargeback claim for the card payment would have succeeded, had it been made in time, given there's no dispute that the merchant (V) provided its services as intended.

My final decision

For the reasons I've given, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision before 11 December 2025.

Thomas Cardia
Ombudsman