

The complaint

Mr H has said that Santander UK PLC won't refund money he says he lost to a scam.

What happened

The details of the complaint are well known to both parties, so I will not repeat them again here. Instead, I will focus on giving the reasons for my 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 agree with the investigator's findings for broadly the same reasons, I will explain why.

Banks have various and long-standing obligations to be alert to fraud and scams and to act in their customers' best interests. These are predicated on there having been a fraud or scam. So, a first consideration in determining Santander's obligations here would normally be:

- was Mr H scammed as he alleged and to establish the loss he suffered.

And while I don't dispute H's version of events, our service has asked Mr H's representative on several occasions to provide further evidence. I want to highlight at this stage I haven't overlooked Mr H's difficult situation, or the challenges he may face obtaining certain evidence.

However, given the circumstances of this complaint and how the scam evolved, I don't think it is unreasonable to conclude that Mr H would be able to provide some evidence of the loss as a result of a scam, such as his crypto currency statements showing the funds being transferred to a third-party's account or evidence the funds were lost to the alleged scammer. Or scam conversations demonstrating the scammer provided Mr H with details of where to send the funds to, discussions surrounding the alleged 'investment' scam or discussion surrounding how he was introduced to the scam. As such, I haven't seen anything to specifically show that the transactions in questions were carried out in relation to a scam.

I appreciate his representative has explained that Mr H's testimony is evidence and should be considered in absence of the scam chats. I would like to assure Mr H's representative I have taken Mr H's testimony into consideration. However, there was other evidence we asked Mr H to provide. Mr H sent the disputed card payment to account in his own name, which he had control over. Our service has asked for the cryptocurrency statements showing the funds being transferred to the third party's account. In absence of that and the other evidence requested, I can only be satisfied that he made the transactions on his account, I can't be satisfied that the ultimate beneficiary of the funds was to the scammer.

As I have explained above, even if I were to be satisfied Mr H had fallen victim to a scam, I'm unable to establish the actual loss he suffered. This is because I can't be satisfied that

Mr H didn't benefit from some of the transactions. And without being able to establish the loss actually suffered (if any), I can't fairly or reasonably direct Santander to refund Mr H's disputed transactions.

My final decision

My final decision is that I don't uphold this complaint.

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

Jade Rowe
Ombudsman