

## The complaint

Ms S complains that Santander UK Plc ('Santander') won't refund the money she lost as the result of a scam.

## What happened

The background to this complaint isn't in dispute, so I won't go into detail. But, in summary, this is my understanding of the complaint.

Ms S was introduced to a cryptocurrency/forex investment by a work acquaintance. Ms S believed she would receive a return of 9% per month and be rewarded for bringing in other investors. I'll refer to the company offering the investment as V.

These are the payments Ms S made from her Santander account.

Date	Details of transaction	Amount
12.7.2022	Transfer to B – a cryptocurrency exchange	£1,000
4.8.2022	Transfer to B – a cryptocurrency exchange	£8,000
25.8.2022	Transfer to B – a cryptocurrency exchange	£12,300
25.8.2022	Transfer to B – a cryptocurrency exchange	£12,700

Ms S received returns from the investment in September, October, and November 2022, as well as March and April 2023. Her returns totalled over £16,000.

V closed its main office (in Dubai) in December 2022/January 2023.

When Ms S was unable to access her investment, she raised a fraud claim with Santander. Santander declined to refund Ms S saying they're not responsible for her loss.

Ms S wasn't happy with Santander's response, so she brought a complaint to our service.

An investigator looked into Ms S's complaint but didn't uphold it. The investigator felt Santander should've been concerned and intervened when Ms S made the second payment, but didn't think that Santander would've uncovered the scam or prevented Ms S's loss.

Ms S disagreed with the investigator's opinion. She says had Santander asked open and probing questions the scam would've been uncovered. She highlighted that a 9% per month return was too good to be true, V weren't regulated for investment activity, contact with V was via a messaging app, and she couldn't have explained the complex matrix of compounding rewards. Ms S says all of these points are hallmarks of a cryptocurrency investment scam.

As the case couldn't be resolved informally, it's been passed to me to review.

## 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.

In deciding what's fair and reasonable, I am required to take into account relevant law and regulations, regulators' rules, guidance and standards, and codes of practice; and, where appropriate, I must also take into account what I consider to have been good industry practice at the time.

In broad terms, the starting position at law is a bank is expected to process payments and withdrawals that a customer authorises it to make, in accordance with the Payment Services Regulations (in this case the 2017 regulations) and the terms and conditions of the customer's account. It's not in dispute that Ms S authorised the payments, so the starting position is that Santander aren't liable for the loss.

Ms S says intervention by Santander would've uncovered the scam and prevented her loss. Having carefully weighed up the evidence, I don't agree, and I'll explain why.

I'm satisfied that Santander should've intervened when Ms S made the second payment. This payment was particularly unusual and out of character compared to her usual account activity, so they should've identified a potential scam risk. In response, I'd expect Santander to have called Ms S and asked questions about the payment.

The type of questions I'd expect Santander to ask would include how Ms S found the investment, what return she was expecting, what checks she had done on V, and what she understood the investment to entail. In response, I think it's more likely than not Ms S would've said: the investment was referred to her by a work acquaintance who had received returns, she was promised 9% per month and a reward for bringing in other investors, she'd seen a promotional video from V, she'd reviewed V's brochures and their website, and she believed the investment involved cryptocurrency and forex.

I agree with Ms S that some of the information she would've given Santander is common in cryptocurrency scams, especially the high returns. But this has to be weighed up against Ms S being referred the investment by someone she trusted who had invested and received returns as promised. I'm also conscious that there weren't any warnings online about V until September 2022, after Ms S made her payments, and that V had a professional looking website and a strong social media presence on multiple platforms.

Ms S says that V wasn't regulated which should've concerned Santander. However, Ms S believed V was based offshore, and cryptocurrency wasn't a regulated activity at the time of the payments. So even if she had been told to check V on the FCA's website, I don't think this would've prevented her from making the payments. Ms S has also pointed to communication with V being through a messaging app. I appreciate that this can be present in scam situations, but some genuine companies do now use messaging apps.

Also, if Santander had given Ms S a cryptocurrency scam warning, explaining the key features and how she could protect herself, I'm not satisfied that I can fairly say it's more likely than not Ms S wouldn't have been prevented from making the payments.

Cryptocurrency investment scams usually involve adverts on social media, returns that are too good to be true, promotion by high profile personalities, investors being asked to download screen sharing software, not having access to their invested funds, and starting with a low investment amount and being pressured to invest more.

Most of those key features, weren't present in Ms S's circumstances. So, I'm not satisfied that I can fairly say the warning would've resonated with her.

Overall, I think Santander might've had some concerns if they asked Ms S open questions about the investment, but I don't think the information Ms S would've shared meant they could fairly have refused to follow her payment instructions. Also, I'm not persuaded that if Santander provided a cryptocurrency investment scam warning, that it would've prevented Ms S from making her payments.

I'm really sorry to disappoint Ms S, but I'm not satisfied that I can fairly hold Santander liable for her loss.

### **My final decision**

My final decision is that I don't uphold this complaint against Santander UK Plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms S to accept or reject my decision before 16 September 2025.

Lisa Lowe  
**Ombudsman**