

The complaint

Mr T complains about the actions of The Royal Bank of Scotland Plc (RBS) when he says he was tricked into transferring money as a result of a scam.

Mr T is being represented by a legal representative but for ease I'll refer to Mr T in my decision.

What happened

The detailed background to this complaint is well known to both parties. So, I'll only provide a brief overview of some of the key events here.

Around early October 2020 Mr T says that he found an investment opportunity on social media. He then started making payments to a genuine crypto exchange. Mr T then says he was a victim to a second crypto scam because of watching videos of a third-party on social media. In total, Mr T has now confirmed to the Financial Ombudsman that he sent around £58,000 to two scams between October 2020 and March 2021.

In 2024 Mr T made a claim to RBS for his money back. But RBS said it hadn't done anything wrong. So, Mr T brought his complaint to the Financial Ombudsman.

Our Investigator didn't think the complaint should be upheld. He said that Mr T hadn't provided sufficient evidence to show that he made the payments due to the instructions he'd received from a scammer. But even if he was satisfied Mr T had suffered a loss because of a scam, he didn't think the payments were sufficiently unusual enough for RBS to have taken further action in relation to the first scam based upon Mr T's previous payment activity to the same crypto exchange since 2017. And he said even if RBS had intervened during the second scam, a crypto investment written warning wouldn't have likely uncovered the scam.

Mr T disagreed and asked for an Ombudsman's review. He said he had been scammed and that the payments were unusual enough to warrant intervention from RBS at the time. And if RBS had intervened then the scam would've more than likely been uncovered.

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 this complaint for largely the same reasons as our Investigator.

Where the evidence is incomplete, inconclusive, or contradictory (as it is here), I have to make my decision on the balance of probabilities – that is, what I consider is more likely than not to have happened in the light of the available evidence and the wider surrounding circumstances.

It isn't in dispute that Mr T authorised the faster payments he made to a legitimate crypto exchange. Mr T has said the funds were then transferred on to two different scammers. The payments were requested by Mr T using his legitimate security credentials provided by RBS. In line with the Payment Services Regulations 2017, consumers are liable for payments they authorise. And RBS is expected to process authorised payment instructions without undue delay.

RBS also has obligations to help protect customers from financial harm from fraud and scams. Those obligations are however predicated on the funds having been lost to a fraud or scam.

Firstly, I agree with the Investigator that there isn't enough evidence to suggest, on balance, that Mr T was the victim of a scam between October 2020 and January 2021. I've not been provided with any correspondence from the alleged scammer, the name of a scam merchant and persuasive evidence Mr T was sending his funds to the actual scammer's directly at their request. That's important evidence because I need to be satisfied that the payments Mr T has said were linked to that first scam were actually lost to such a fraudulent scheme. And I've not seen enough to reach a reasonable finding that those payments were being made at the request of a scammer.

To be clear, and as the Investigator has already confirmed to Mr T, even if there was evidence of a scam, I don't think the payments should've been considered as suspicious by RBS at the time. Mr T had made a variety of payments to the same genuine crypto exchange (well over 100) since 2017. Although there were less payments to the crypto exchange in 2020 before Mr T says this scam started, the payee was still well established on his account. And the payment amounts were in line with previous genuine payments he had made. So, I don't think the payments to the first alleged scam would've seemed unusual to RBS and importantly they then continued the historical pattern on this account of making payments to an established beneficiary (the crypto exchange).

In relation to the payments between January and March 2021 Mr T has mentioned a third-party who was running a scam on social media and was releasing videos. I can see that Mr T has provided some evidence that the third-party existed and may have been running a scam. However, like in relation the previous payments, there is a lack of sufficient evidence to show that Mr T made them due to the instructions of that third-party. There's no evidence of any communication between Mr T and the third-party to support that. I appreciate Mr T has explained that this third-party uploaded the videos on social media and he then sent his money following those instructions. But there's no evidence linking some of the crypto Mr T sent from the exchange to other wallets at a scammer's instruction. As a result, it's very difficult for me to reasonably conclude these payments from his RBS account were made because of a scam.

Mr T has said that the pattern of these disputed payments should've been of concern to RBS, and that it missed an opportunity to intervene to make sure he wasn't being the victim of fraud. Like with the earlier payments, even if I was satisfied Mr T had been scammed for a second time, (to be clear I'm not satisfied he has provided sufficient evidence here), I don't think the majority of the payments would've stood out to RBS as unusual at the time. As I've mentioned above, the crypto exchange was an established beneficiary on Mr T's account since 2017 with well over 100 payments being made to the crypto exchange with sometimes a variety of payments being made on the same day. And the payments he made to the earlier disputed payments would've provided a similar history of payments in terms of their size and velocity to this established beneficiary.

I've also noted that some historical payments Mr T made to the crypto exchange in the past were as high as £2,695, £4,437 and £6,000. There are also some genuine payments for

day-to-day spending to other payees also being as high as £4,000. None of the disputed payments reached a size of £6,000. It's arguable that the volume of the payments increased slightly and that perhaps RBS could've stopped one of the payments Mr T made for around £4,300 in 2021. But I think RBS would've reasonably provided Mr T with a generic written fraud and scams warning at the time these payments were being made. It would've known that Mr T had sent a lot of payments to crypto over the last few years and that he had received credits from the same exchange (which Mr T has said were in relation to genuine payments).

Overall, in being fair to all parties I *must* be sure that the funds Mr T transferred out of his RBS account were lost because of scams. And looking at all the available evidence, I'm not persuaded on balance, in the circumstances of Mr T's complaint, that this is the case. And even if it was, based upon his previous payment activity, I don't think RBS needed to have done anything further here or provided any further intervention than I've mentioned.

Recovery

The only other avenue for Mr T to recover his money was via a chargeback. A chargeback isn't guaranteed to result in a refund, there needs to be a right to a chargeback under the scheme rules and under those rules the merchant or merchant acquirer can defend a chargeback if it doesn't agree with the request. Unfortunately, in this case the merchant was a genuine crypto exchange who didn't do anything wrong. We would only expect RBS to raise a chargeback if it was likely to be successful. Based on the available evidence this does not look like a claim that would have been successful. So, RBS didn't treat Mr T unfairly here.

I appreciate this will likely come as a disappointment to Mr T, and I'm sorry to hear of the situation he's found himself in. However, in the circumstances of this complaint, I don't consider it would be fair and reasonable to hold RBS responsible for Mr T's claimed loss.

My final decision

For the reasons given above, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 5 November 2025.

Mark Dobson
Ombudsman