

## **The complaint**

Mr B is unhappy that Metro Bank PLC failed to sufficiently intervene causing him to fall victim to what he argues was an authorised push payment (APP) investment scam.

Mr B is represented by a professional representative, but for ease I will just refer to Mr B throughout.

## **What happened**

The details of this complaint are well known to both parties and so I will not repeat them again here. In summary, Mr B says he has been the victim of a sophisticated cryptocurrency investment scam. He explained he initially found the investment through a social media advert, which had a celebrity endorsement, and was then contacted by a broker claiming he could earn Mr B large returns. Mr B transferred the funds, via a legitimate cryptocurrency exchange, to the alleged scammer. Mr B says he initially saw his investments increase whilst using what he claims to have been a fake trading platform. However, Mr B says he ascertained it was a scam when asked for further fees to withdraw his profits.

Mr B subsequently raised he had been scammed with Metro, but it did not compensate him or uphold his complaint. Unhappy with this, Mr B referred the complaint to us.

Our Investigator reviewed Mr B's complaint but did not uphold it because she did not have sufficient evidence to show the losses claimed were all linked with a potential scam. She informed Mr B the payments/returns were unclear as to which were linked with his scam claim and which were part of his other investments. Ultimately, she could not confirm that a loss had occurred. Similarly, it was only Mr B's testimony to say he had been scammed and there was not sufficient additional evidence, such as copies of conversations with the alleged scammer, to confirm this was so – and that it wasn't just a failed high-risk investment. Consequently, she did not find that she could hold Metro liable. Mr B disagreed and requested a final decision.

As the complaint could not be resolved informally it has been passed to me to issue a final 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.

I will note that just because I have not included the full facts that does not mean I've ignored any points. I'm satisfied I don't need to comment on every individual point or argument to be able to reach what I think is the right outcome. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts.

I have kept in mind that Mr B made the payment himself and the starting position is that Metro should follow its customer's instructions. So, under the Payment Services Regulations 2017 (PSR 2017) he is presumed liable for the loss in the first instance. However, there are

some situations when a bank should have had a closer look at the wider circumstances surrounding a transaction before allowing it to be made. In line with this, Metro ought to have been on the look-out for the possibility of fraud and made additional checks in some circumstances. Mr B says he's been the victim of a scam and that Metro ought to have intervened on the payment he's now disputing.

I've considered the evidence available, but I can't fairly conclude that Mr B has lost the disputed funds as the result of a scam. I have noted Mr B has supplied screenshots from a webpage highlighting an investment into nodes and emails with the alleged scammer highlighting an investment occurred. I've also kept in mind it was around the time of the alleged scam he was sending payments to his cryptocurrency account. Similarly, Mr B's testimony does highlight many common themes that happen during a scam.

I do appreciate that Mr B no longer has access to any scam chat records. It is unfortunate he does not, which I do understand is due to no fault of his own, as they would not have only given useful details as to the scam, but may well have evidenced the losses being claimed.

Considering all the evidence that is available, I agree with our Investigator that there is not sufficient evidence linking the funds Mr B sent to cryptocurrency being lost because of a scam. Or, that the alleged investment was a scam and not just a failed high-risk investment. I do accept there is some wider information referencing this potentially being a scam online. However, this in isolation is not sufficient for me to be able to link the claimed losses to a scam - or find that Mr B did incur all the claimed losses because of it. Additionally, there are, as Mr B highlights, payments/withdrawals which are not all linked with the alleged scam and were for other investments – without clear evidence differentiating them all. Consequently, it would not be reasonable to find Metro at fault when I cannot be sure of the loss stemming from the alleged scam.

I am sorry to hear that Mr B says he lost his funds to a scam – it is a large sum of money and he has my sympathy. However, on balance of the available evidence it would not be reasonable for me to uphold this complaint.

### **My final decision**

My final decision is I do not uphold this complaint against Metro Bank PLC.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 21 January 2026.

Lawrence Keath  
**Ombudsman**