

## **The complaint**

Miss P complains that Bank of Scotland plc (BOS) will not reimburse funds she said was lost to a scam.

Miss P is represented by a firm, but for ease I have only referred to Miss P in this decision.

## **What happened**

The background to this complaint is well known to both parties, so I won't repeat it in detail here. In summary Miss P saw an advertisement online by a firm offering a programme supporting new business owners. The programme promised to guide them to make a profit until they could make a turnover £10,000 a month. Between October 2022 and November 2023 Miss P made payments totalling £10,543 to the firm. She said she realised it had been a scam when the firm dissolved and its members could not access the money back guarantee initially offered. Miss P raised the matter with BOS but it didn't refund the money she lost or uphold her complaint.

Our Investigator didn't think the complaint should be upheld. She didn't think the payments carried a heightened risk of financial harm from fraud. Our Investigator was not persuaded that it would have made a difference even if BOS had intervened in the payment instructions.

Miss P didn't accept our investigator's opinion, as such the complaint has been passed to me for 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.

Having done so, I have come to the same conclusions as our investigator for broadly the same reasons. I know this isn't the outcome Miss P hoped for, but I'll explain my reasons why.

Taking into consideration the relevant regulatory rules and guidance, codes of practice and good industry practice, BOS should take steps to identify and where possible prevent sufficiently unusual or uncharacteristic payments to help protect its customers from financial harm resulting from fraud.

Even so, I think it is important to also highlight that there are many payments made by customers each day, and it is not reasonable to expect BOS to stop and check every payment instruction to try to prevent fraud or financial harm. There's a balance to be struck between the extent it intervenes in payments to protect customers, without causing unnecessary disruptions to legitimate payment instructions.

I don't think the payments Miss P made to the firm bore the hallmarks of common scams at the time. The payments were not made in quick succession; rather there were several weeks between most payments. They did not increase in value over time, which is a pattern

commonly found where a scam is involved. Furthermore the majority of payments were of low value. And while I appreciate Miss P made one large payment to the firm for £9,500, it's not unusual for consumers to make larger payments from time to time and I do not find there were any other concerning factors regarding this payment that would make it look sufficiently unusual to raise suspicions and warrant intervention.

Even if BOS had intervened, I think it's unlikely to have found the payments were the result of a scam. I say this because, the firm had a professional website, it is registered on Companies House. Miss P seemed to have been receiving the service she had paid for in the form of access to training and guidance for her small business. In such circumstances I could only reasonably expect BOS to provide a general scam warning and I'm not persuaded that such a warning would have had a positive impact on Miss P. Miss P thought she had signed up to a genuine programme for much the same reasons the payments would not have raised concerns with the bank.

In addition to this, I conducted my own research and I find this was a legitimate, registered business that provided a service, although it did not produce the returns Miss P expected. I appreciate that the firm has since dissolved which has meant Miss P has not been able to take advantage of its money back guarantee, but that does not automatically mean the firm was fraudulent. Overall, there is insufficient evidence to persuade me that this was a scam, in that the firm or its owner intended to defraud Miss P of her funds from the outset, rather it is more likely this was a business with what one might consider unfair or misleading sales practices and an investment Miss P made that did not pay off, which BOS is not required to protect against.

As the payments were made by debit card, the only means of recovery would be through a Chargeback claim. Miss P reported the matter in April 2024 as such I find, in the most part, the dispute was raised outside the time limits for a claim set by the Chargeback scheme providers. Additionally, as the payments were made to a legitimate merchant and a service provided, I'm not persuaded there were any prospects for recovering the funds.

I've thought carefully about everything that happened, I appreciate that Miss P is out of pocket by a significant sum and has faced challenging times as a result of this. I sympathise with her, but I cannot fairly or reasonably hold BOS responsible for the loss or require it to reimburse Miss P.

### **My final decision**

For the reasons outlined above, my final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss P to accept or reject my decision before 28 October 2025.

Oluwatobi Balogun  
**Ombudsman**