

The complaint

Mr T complains that Bank of Scotland plc (BOS) will not reimburse money he lost to a scam.

What happened

The background to this complaint is well known to both parties so I won't repeat it in detail here. In Summary, from August 2024 to September 2024, Mr T made payments totalling £6,195.94 as a result of a scam.

Mr T had been speaking to someone on a dating website who claimed to be a nurse. He sent money to help with the cost her visa and flights to the UK. However when he asked for his money back the scammer cut communication. Mr T reported the matter to BOS but it didn't refund the money he lost or uphold his complaint.

Our Investigator didn't think the complaint should be upheld. He didn't think the payments were particularly unusual or suspicious in appearance considering Mr T's normal account and payment activity. Our Investigator also said BOS sent Mr T a link to an educational warning about romance scams and thought the warning was sufficient at the time.

Mr T didn't accept our investigator's view and 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've reached the same outcome as our Investigator and for similar reasons. I know this will be disappointing to Mr T, but I'll explain my reasons why.

Firstly I want to reassure Mr T that I have taken his detailed submissions into consideration. If there is something I haven't mentioned it isn't because I have ignored it, I haven't. Rather, I have focussed on setting out what is key to the decision I have reached.

In broad terms, the starting position in law is that BOS is expected to process payments and withdrawals that a customer authorises it to make. There is no dispute here that Mr T authorised the payments. And in accordance with the Payment Services Regulations and the terms and conditions of the account, Mr T is responsible for the funds he says have been lost.

However, 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 and not causing unnecessary disruptions to legitimate payment instructions.

Having reviewed Mr T's account activity, I don't find any of the payments were sufficiently uncharacteristic or unusual for them to have caused BOS concern. I say this because I noted there were payments made of similar value in the months prior to the scam. The payments were not made in quick succession which commonly occurs where a scam is involved. Here there was usually a day or more between the payments.

When considered in the context of the vast number of payment instructions BOS receives, I don't find any of the payments were of significant value to have raised suspicions. Given the circumstances, I do not find there was enough here to raise concern that Mr T might be at an increased risk of financial harm and to have triggered BOS's fraud prevention systems or to warrant its intervention.

BOS did intervene on another payment Mr T attempted to make to the scammer via an international money transfer service and he was instructed to visit the branch with identification to verify that it was him making the payments. I think the intervention was appropriate to the scam concerns the bank had about that payment. Mr T was asked whether it was him making the payments and he confirmed it was. I don't find there were any aspects of the telephone conversation with the agents that would have alerted them to the scam. As BOS was able to alleviate the specific concerns it had, the account was unblocked and Mr T went on to make the payments that are the subject of this complaint.

Overall I don't think the payments he made appeared concerning that they would warrant further intervention or questioning by BOS. It's unfortunate that Mr T has been the victim of such a cruel scam, but I can't fairly or reasonably expect BOS to have identified a scam in the circumstances.

I appreciate Mr T said the merchant he paid acknowledged that he had been scammed and said they were willing to reimburse the money he lost. They asked that he contact BOS in the first instance. However, as Mr T used his debit card to make the payments, the only means of recovery would be through a Chargeback claim. But there are specific rules set by the Chargeback scheme providers under which a claim can be made.

BOS explained that as Mr T stated to the merchant that he was paying a family member or a friend, it meant that he knew the person he was paying and as such it found there were no grounds for a claim under the scheme rules. Regardless, as the payments were made to a legitimate merchant and a service provided, I'm not persuaded there were any prospects of recovering the funds Mr T lost.

I have thought carefully about everything that's happened, I understand that Mr T has been the victim of a very cruel scam and has lost a significant sum of money, and I sympathise with him. However, I can't fairly or reasonably hold BOS responsible for the loss he incurred.

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 Mr T to accept or reject my decision before 24 October 2025.

Oluwatobi Balogun
Ombudsman