

The complaint and background

Mr B complains that Bank of Scotland plc trading as Halifax won't reimburse the money he lost when he fell victim to a scam.

Our investigator didn't uphold the complaint. Although he found Halifax should have enquired about one of the payments, he wasn't persuaded that would have prevented Mr B's loss. He felt that the strong rapport between Mr B and the scammer would have prevented the scam from unravelling.

Mr B's representative asked for the matter to be referred to a decision. It said, in summary, that not enough weight was placed on the obligations of Halifax, and it should have been concerned about the payments in dispute. It also felt that too many assumptions were made around what Mr B would have done if questioned.

So, the complaint was passed to me to decide. I got in touch with Mr B's representative informally to let it know how I was minded to proceed. There appeared to be limited evidence that the payments Mr B made to the cryptocurrency exchange were the result of a scam, as opposed to him simply choosing to transfer his money to it as part of a legitimate investment. And there was a lack of evidence linking his contact with the alleged scammer to the payments made.

In response, Mr B's representative said he no longer had access to any further communication with the scammer, and he had no further information to provide. It asked me to proceed on the basis of the available information.

I issued a provisional decision in August 2025. In it, I said:

"Having taken into account longstanding regulatory expectations and requirements, and what I consider to be good industry practice, I agree Halifax ought to have been on the lookout for the possibility of fraud and made additional checks before processing payments in some circumstances.

In theory, I agree with the investigator that Halifax should have made enquiries about one of the payments that was being made, which was for £6,500. But I'm not completely satisfied that Mr B's loss was the result of a scam and, even if I proceed on the basis it was, I'm not persuaded that Halifax would have prevented his loss.

I say this because the communication I've seen between Mr B and the alleged scammer shows, as detailed by the investigator, a relationship building between them. But there isn't anything within this communication that suggests that the conversation moved to discussions of an investment. I note that the payments were made between April 2023 and July 2023 but there isn't any reference in the conversation I've seen, which took place over social media, to Mr B making a payment at the recommendation of the scammer. I've seen very limited conversation with someone who appears to be offering support around cryptocurrency withdrawal and tax. But, in itself, I'm not satisfied this is proof that Mr B was the victim of a scam.

However, if I were to accept that Mr B was the victim of a scam in the way that's been described, I'd need to be persuaded that a proportionate intervention from Halifax would have prevented his loss. And with the information I've seen, I'm not persuaded it would have. This is because I've not been provided with any of the conversation with the alleged scammer to introduce the investment or discuss any of the payments made. Without this, I can't determine things like the level of coaching and manipulation Mr B was subjected to, whether he was asked to mislead the bank, what returns he was told he'd receive etc. I also can't see what Mr B's responses were to the introduction of the investment, such as whether he had any reservations and whether he appeared willing to mislead if asked.

So, with the combination of a lack of evidence to show that Mr B was the victim of a scam rather than a legitimate investment that didn't perform as expected and the missing communication from the pertinent periods of time, I don't currently think it would be fair or reasonable to ask Halifax to reimburse the losses.

I can only uphold this complaint if I'm satisfied there was a scam, and that Halifax's failings made a material difference to what happened. For the reasons given, I'm not currently persuaded of either."

Mr B, via his representative, disagreed. In the absence of the relevant conversation with the alleged scammer, he's provided his testimony around this. In summary, he said he was told he'd receive up to 50% interest per day with zero loss, which he didn't think was unreasonable given that 'crypto was booming'. He's also said he was groomed by the scammer and spent months talking before the investment 'opportunity' was brought up and was then pressured into continuing based on the screenshots the scammer provided of her own profits.

Mr B said he wasn't told to provide inaccurate information to Halifax, if questioned. And he said he wouldn't have misled it, even if pressured to do so. He also said that he'd been reluctant to invest for a few weeks before deciding to 'test' the investment with a small sum that he was happy to lose if the investment didn't work out. And that he'd seen some 'red flags' but that his concerns had been alleviated by the returns he was seeing on his investment. Mr B also said that Halifax appear to have accepted a scam took place.

So, with both parties having been given an opportunity to respond with any further points, I'm now in a position to issue my 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 don't uphold this complaint – I'll explain why.

Mr B, via his professional representative, hasn't provided the evidence our Service expects to show both involvement with, and loss to, a scam. He's explained he can only provide verbal testimony about his recollections of what happened.

But *even if* I accept he was the victim of a scam – as it appears Halifax has done – and accept this testimony, I'm still not persuaded that Halifax could have prevented his losses with proportionate intervention. I say this as Mr B has talked about being groomed by the scammer and spending a substantial amount of time talking before the investment was first mentioned, as well as having concerns alleviated by the returns he was seeing. And he's suggested that, having started to invest, he wasn't concerned until after he'd already made the payment of £6,500.

So this does suggest to me that Mr B trusted the individual and, having seen his own investment increasing as well as screenshots of the scammer's own profits, would most likely have wanted to continue at the point Halifax should, in theory, have intervened.

Ultimately, Mr B has inadvertently deleted evidence that the disputed payments were made due to a scam, and the surrounding information to show what led him to make these payments. With everything I've seen and in the circumstances of this particular case, I don't consider it would be fair or reasonable for our Service to direct Halifax to refund the disputed funds. I say this as Mr B has shown very little evidence to show there was a scam, or any contemporaneous evidence to demonstrate how he was convinced to send these funds. And, with the testimony available, I'm not persuaded that a proportionate intervention would have prevented his losses.

My final decision

For the reasons given, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 23 September 2025.

Melanie van der Waals
Ombudsman