

The complaint

Mr A complains Bank of Scotland plc won't refund money he lost to an authorised push payment ('APP') scam.

What happened

The background to this complaint is familiar to both parties, so I'll only refer to some key events here.

Mr A says that between June and July 2022 he was tricked into sending money to what turned out to be an investment scam.

Mr A explained that that having previously invested in forex trading, he was not surprised to receive a call from a company (I'll refer to here as 'S') purporting to offer forex trading. Having been shown a series of positive reviews, Mr A decided to invest. The scammer advised Mr A to download remote access software, and this was used to help set up an account. Between June and July 2022, Mr A transferred just under £9,000 over three payments which all went to a legitimate crypto platform (I'll refer to here as 'C'). Having purchased crypto from C, he then transferred it to what he understood was S' trading platform.

Mr A said he was able to see his funds credit S' trading platform and he was able to see trades carried out. He believed his investment was performing well until he received a call to advise him his account had gone into a negative balance and would require further funds to restore it. Rather than making further payments to S, Mr A looked for other investment opportunities to recoup his losses. When he lost all his money on a further investment, he realised that all his investments had likely been scams.

In November 2023 Mr A complained to Bank of Scotland that it should have done more to protect him from the risk of scams when processing his payments. He asked that it refund his payments plus interest and pay him compensation. Bank of Scotland didn't uphold Mr A's complaint and refused to reimburse him for his loss. It explained it was satisfied it had intervened at the right points during the scams and had made him aware of potential scams. Specifically, it said it had spoken to Mr A on 20 June and 7 July 2022, when he was making payments to C. It had warned him in these calls about the risks of associated with remote access software and had also asked him if anyone was helping him or had asked him to lie it was likely a scam. But despite Bank of Scotland's intervention, Mr A decided to go ahead with the payments.

Unhappy with Bank of Scotland's answer, Mr A referred his complaint to the Financial Ombudsman Service with the support of a professional representative (which I'll refer to as 'X'). Our Investigator didn't uphold the complaint. He was satisfied that Bank of Scotland had intervened appropriately. But that Mr A had provided inaccurate information and decided to proceed with the payments despite the warnings.

Mr A disagreed and asked for an Ombudsman's final decision.

The complaint was then passed to me to decide. I issued a provisional decision on 11 September 2025, setting out why I wasn't minded to uphold the complaint. For completeness, I repeat my provisional decision below:

"I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I think it would be helpful to note that while Mr A has asked the Financial Ombudsman to consider a complaint about all four scams he fell victim to, I have decided that to reach a fair outcome it is necessary that we consider this as four separate complaints. As a result, in this complaint I will only be considering Bank of Scotland's actions in relation to the third scam, the circumstances of which I have outlined above. I will consider Bank of Scotland's action in relation to Mr A's other scam claims under separate complaint references.

Having completed my review of everything we've been sent, I am not upholding this complaint. While I accept Mr A has lost a significant amount of money due to the deception of scammers, I must consider whether Bank of Scotland is responsible for the loss he's suffered. I know this won't be the outcome Mr A is hoping for, but I don't think they are. So, I don't think Bank of Scotland has acted unfairly by not refunding the payments. I'll explain why.

It isn't in dispute that Mr A authorised the transactions in question. He is therefore presumed liable for the loss in the first instance. However, Bank of Scotland is aware, taking longstanding regulatory expectations and requirements into account, and what I consider to be good industry practice at the time, that it should have been on the look-out for the possibility of fraud and made additional checks before processing payments in some circumstances.

Bank of Scotland has demonstrated that it did intervene on two of Mr A's payments to C, which resulted in its fraud agents speaking with him on 20 June and 7 July 2022.

On each occasion, Mr A was asked why he was making the payment, and he revealed he was investing in crypto (not forex trading as he stated in his complaint) but denied he was being helped or supported by anyone else. The fraud agents warned Mr A about the main risks associated with crypto investment schemes – and specifically the risk of third parties acting as financial advisers or brokers, who promise to invest on a consumers' behalf but ultimately take their money.

The fraud agents also highlighted concerns that Bank of Scotland's systems had identified that Mr A had remote access software downloaded on his computer at the time of making the payments, and highlighted how scammers could use this technology to take control of his funds.

Given what it knew about Mr A's payments at the time – including his answers to the bank's questions – I'm satisfied Bank of Scotland's intervention was proportionate to the risk identified, and I wouldn't have expected it to do anything further to warn Mr A about the risks associated with crypto investment scams. And in any event, even if it had done more to warn Mr A about the risks, I'm not persuaded that this would have influenced Mr A sufficiently that he would have decided not to go ahead with the payments, as he did not reconsider his payments despite the scam warnings he did receive, and which ought to have resonated with him.

In the circumstances, I think Bank of Scotland acted reasonably by processing Mr A's payment instructions. Unfortunately, Mr A decided to go ahead with the payments despite Bank of Scotland's stark warnings, which ultimately resulted in his loss of funds. In these

circumstances, it would not be fair or reasonable to hold Bank of Scotland responsible for Mr A's loss. I will therefore not be directing it to take any further action."

I asked that both parties respond to me by 24 September 2025 if they had any further comments or evidence for me to consider before reaching my final decision.

X initially responded on Mr A's behalf asking for further time to respond, which was granted. It later responded and asked for a copy of Bank of Scotland's intervention calls that I had relied on in reaching my provisional decision. Having reviewed the file, I can see that the relevant call recordings were previously shared with Mr A, via X, in May 2025. X confirmed receipt of the calls, but Mr A chose to make no further comment at the time or any time prior to me reaching my provisional decision.

In the circumstances, I am satisfied Mr A has had sufficient access to, and ample opportunity to comment on the relevant evidence before I reached my provisional decision. I am also satisfied that I summarised the content of the relevant calls in sufficient detail within my provisional decision to enable Mr A to comment on their content, and the conclusions I have reached, before I made my final decision.

As the extended deadline for responses has now passed, I think I can fairly reach a final decision in this case.

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.

As I have received no substantive responses to my provisional decision from either party, I see no reason to revisit my conclusions here, save to say that my provisional conclusions still stand.

In summary, I'm satisfied Bank of Scotland intervened proportionately when it recognised Mr A could be at risk of financial harm from fraud, but due to the way Mr A responded to the questions asked, the scam was not uncovered. Mr A then decided to proceed with the payments, despite the scam warnings he'd been given.

While I'm sorry to hear that Mr A has lost a considerable sum of money due to the actions of scammers, I don't find there were any failings on Bank of Scotland's part that would lead me to uphold this complaint.

My final decision

For the reasons given 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 A to accept or reject my decision before 30 October 2025.

Lisa De Noronha
Ombudsman