

## The complaint

Mrs S complains that Santander UK Plc (Santander) is refusing to refund her the amount she says she lost as the result of scams.

Mrs S is being represented by a third party. To keep things simple, I will refer to Mrs S throughout my decision.

## What happened

The background of this complaint is well known to all parties, so I won't repeat what happened in detail.

In summary, Mrs S says she fell victim to investment scams whereby she made the following payments:

<u>Payment</u>	<u>Date</u>	<u>Payee</u>	<u>Payment Method</u>	<u>Amount</u>
1	29 September 2018	Maidford Accountancy	Transfer	£56,000
2	4 December 2018	MD Enterprises	Transfer	£44,000

Mrs S has told us that payment 1 was intended for an investment in another company I will call "X" offering what appeared to be an investment in Forex trading.

Mrs S has told us that payment 2 was for an investment in another company I will call "Y" that specialised in sourcing left hand drive vehicles abroad and selling them in the UK.

Mrs S has told us she received payments from both investments, but they soon stopped being made to her. Mrs S also received payments from another company that appeared to have taken on Y's responsibilities.

Our Investigator considered Mrs S's complaint and didn't think it should be upheld. Mrs S disagreed, so this complaint has been passed to me to decide.

## 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.

Not every complaint referred to us and categorised as an investment/trading scam is in fact a scam. Some cases simply involve high-risk investments that resulted in disappointing returns or losses.

Certain high-risk investment traders may have promoted these products using sales methods that were arguably unethical and/or misleading. However, whilst customers who lost out may understandably regard such acts or omissions as fraudulent, they do not necessarily meet the high legal threshold or burden of proof for fraud, i.e. dishonestly making a false representation and/or failing to disclose information with the intention of making a gain for himself, or of causing loss to another or exposing another to the risk of loss (Fraud

Act 2006).

In simpler terms, some merchants may have used sales and promotional methods that could be seen to be unfair by consumers considering the losses they've incurred – but this does not always amount to fraud.

### *Payment 1*

Mrs S has told us that this payment, although paid to Maidford Accountancy, was intended to be for an investment in X. However, Mrs S has provided very limited evidence to support the payment being in relation to an investment with X.

Mrs S has provided her testimony, and a document with X at the heading, signed by her confirming that any investments she made were at her own risk, very little else has been provided to support an investment being made with X.

With the information available I am unable to say that payment 1 relates to an investment made in X, or that Mrs S fell victim to a scam orchestrated by X.

### *Payment 2*

Mrs S has told us that this payment although made to MD Enterprises, was intended to be for an investment in Y. Mrs S has been able to provide more information about this investment.

At the time Mrs S made the payment MD Enterprises was regulated by the Financial Conduct Authority (FCA). Y also appears to have been a company registered on companies' house that later failed and went into liquidation.

It appears that another company then took over from Y and was dealing with the investment. Mrs S has been made aware of this separate company and appears to have also received payments from it.

With the information available I am unable to say that payment 2 was made in relation to a scam.

Banks and other Payment Services Providers (PSPs) do have a duty to protect against the risk of financial loss due to fraud and/or to undertake due diligence on large transactions to guard against money laundering. And Mrs S has told us that she feels that it's most likely she fell victim to scams when the disputed payments were made from her account.

But as I've said above, with the information available, I don't have enough to conclude that either of the disputed payments were made in relation to a scam. As I am unable to conclude Mrs S has fallen victim to a scam, I can't say that Santander had a responsibility to protect her from a financial loss, and it is not required to refund the payments she has disputed.

### **My final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S to accept or reject my decision before 14 October 2025.

Terry Woodham

**Ombudsman**