

## The complaint

Mr and Mrs R complain that Santander UK Plc (Santander) is refusing to refund them the amount Mr R lost as the result of a scam.

Mr and Mrs R are being represented by a third party. To keep things simple, I will refer to Mr and Mrs R 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, Mr R initially told us that he was looking to invest when he came across a business offering educational courses. This business recommended a business I will call "X" to Mr R to trade with.

Mr R then confirmed that he had been recommended X by a friend that was in the same investment group some time before. Mr R's friend had previously explained that he had a good experience with X, and his investment had grown.

Mr R says he carried out some due diligence before proceeding to invest and was not concerned by any of the information he had found online. X allocated a "success Manager" to Mr R who guided Mr R on how to invest.

Mr R was able to make a small withdrawal which gave him confidence to invest more. But after making multiple larger payments Mr R attempted to make another withdrawal but was unable to. X explained that Mr R would have to make further payments first.

Mr R has explained that he took a loan to cover the requested payments but realised he had been scammed before he sent the funds.

Mr and Mrs R have disputed the following payments made in relation to the scam:

Payment	Date	Payee	Payment Method	Amount
1	15 July 2024	Global Currency	Transfer	£20,000
2	17 July 2024	Global Currency	Transfer	£25,000
3	19 July 2024	Global Currency	Transfer	£16,000

Our Investigator considered Mr and Mrs R's complaint and didn't think it should be upheld. Mr and Mrs R 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.

It has not been disputed that Mr R has fallen victim to a cruel scam. The evidence provided by both Mr and Mrs R and Santander sets out what happened. What is in dispute is whether

Santander should refund the money Mr and Mrs R lost due to the scam.

### *Recovering the payments Mr R made*

Mr R made the disputed payments by transfer. When payments are made by transfer Santander has limited options available to it to seek recovery.

The payments Mr R made in relation to the scam didn't go to the scammer directly, instead they went to a legitimate currency exchange. Mr R has confirmed that he converted his funds into another currency before moving them to X.

As Mr R made the disputed payments to a legitimate business, and that business provided a service to him in exchange for the payments, any attempt to recover the payments would have no prospects of success.

### *Should Santander have reasonably prevented the payments Mr R made?*

It has been accepted that Mr R authorised the payments that were made from his account with Santander, albeit on X's instruction. So, the starting point here is that Mr R is responsible.

However, 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.

The question here is whether Santander should have been aware of the scam and intervened when Mr R made the payments. And if it had intervened, would it have been able to prevent the scam taking place.

I can see that Santander did intervene when Mr R made payment 1. Mr R confirmed he was making the payment in relation to a service. Mr R says he selected this option because he was paying to convert his funds to a different currency. I think Mr R's explanation for selecting this reason for his payment is reasonable given the circumstances.

Mr R then saw further screens and warnings based on the information he had provided. The information Mr R received was not relevant to the scam he was experiencing.

Considering the value of the payments Mr R was making in relation to the scam I think Santander should have had concerns that Mr and Mrs R may have been at risk of financial harm and it should have intervened.

I think a proportionate intervention would have been for Santander to have discussed the payments Mr R was making with him, with the aim being to find the background to the payments and provide an appropriate relevant warning. But I don't think this would have made a difference. I will explain why.

I think it's most likely Mr R would have been honest had Santander intervened when he made the payments and discussed them with him. I haven't seen enough to persuade me otherwise.

So had Santander intervened in the way I have said it should have, it would have found that Mr R had been recommended a business to invest with by a friend he had known for some time that had previously invested in the same business without facing any issues. Mr R would also likely have confirmed he had researched X and was happy with the results he had found. I wouldn't have expected Santander to carry out research itself on X.

In addition to the above Mr R was not making payments in relation to a business that would be considered to carry a higher risk, such as a cryptocurrency specific exchange, so I don't think Santander would reasonably have had any further concerns after Mr R explained the seemingly genuine investment he was making.

Even if Santander had given Mr R a warning that it had concerns about the company he was dealing with (which I don't think it needed to do) I think it's unlikely this would have caused Mr R to have concerns.

I say this because Mr R has told us that he did his own online research on X before investing. I have looked online for information available at the time Mr R made the disputed payments and there are multiple clear reviews about X warning that X was operating a scam. Yet Mr R continued to make the disputed payments despite these clear warnings that I think should have been a red flag to Mr R and should have caused him to have concerns.

With the above in mind, I don't think Santander missed an opportunity to prevent the scam and it is not responsible for Mr and Mrs R's loss.

Mr and Mrs R have argued that a more in-depth intervention would have uncovered the scam, and their loss could have been prevented. But for the reasons I have already explained above these further comments have not changed my decision.

### **My final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs R and Mr R to accept or reject my decision before 27 November 2025.

Terry Woodham  
**Ombudsman**