

## **The complaint**

Ms S complains that Nationwide Building Society failed to sufficiently intervene causing her to fall victim to an authorised push payment (APP) investment scam.

Ms S's complaint was referred to us by a representative, but for ease I will refer to Ms S throughout.

## **What happened**

The details of this complaint are well known to both parties and so I will not repeat them again here. In summary, Ms S says she fell victim to an investment scam after sending funds via a well-known cryptocurrency platform, to what she believed to be a genuine investment opportunity. She was first informed about this opportunity by a friend and was invited to watch an online presentation, which included graphics and techniques highlighting how the guaranteed profits would be generated, which enticed her. However, she subsequently ascertained it was a scam when she was unable to withdraw her funds after they were frozen.

Our Investigator didn't uphold the complaint as although he thought Nationwide should have intervened, he did not believe Ms S provided sufficient evidence to prove the loss being claimed. He accepted Ms S was able to evidence being part of a group conversation, but was not persuaded this was enough to link the money sent to the cryptocurrency exchange and the scam company. Similarly, he was not persuaded with the spreadsheet of cryptocurrency activity, highlighting it did not cover the first payment being alleged to having been lost to the scam.

Ms S disagreed and so the case 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.

I'm aware that I've summarised this complaint briefly, in less detail than has been provided, and in my own words. No discourtesy is intended by this. Instead, I've focused on what I think is the heart of the matter here. If there's something I've not mentioned, it isn't because I've ignored it. I'm satisfied I don't need to comment on every individual point or argument to be able to reach what I think is the right outcome. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts.

I have kept in mind that Ms S made the payment herself and the starting position is that Nationwide should follow its customer's instructions. So, under the Payment Services Regulations 2017 (PSR 2017) she is presumed liable for the loss in the first instance. However, there are some situations when a bank should have had a closer look at the wider circumstances surrounding a transaction before allowing it to be made.

I've considered longstanding regulatory expectations and requirements, and what I consider to be good industry practice for firms when processing payments. In line with this, Nationwide ought to have been on the look-out for the possibility of fraud and made additional checks in some circumstances. Ms S says she's been the victim of a scam and that Nationwide ought to have intervened on the payments she's now disputing.

I've considered the evidence available, but I can't fairly conclude that Ms S has lost the disputed funds as the result of a scam. I accept the company she alleges she sent funds to more likely than not was a scam – I just do not have sufficient evidence this is where Ms S lost her funds.

I appreciate that Ms S has supplied as much evidence as she can, such as the screenshot of the group messages from within the messenger app and the spreadsheet of her cryptocurrency account activity. Ms S has explained she was invited to online meetings where discussions about payments occurred and that is why there are no individual messages showing this.

However, considering all the evidence supplied by Ms S, alongside her testimony, I do not have sufficient tangible evidence that links her payments being made and/or lost because of this particular scam. Firstly, the spreadsheet only highlights two of the three payments being claimed as part of the scam. Additionally, it shows a lot of wider activity - including other deposits being made into the cryptocurrency exchange by Ms S that are not being claimed as part of the scam, and cryptocurrency being received from an external wallet. Ultimately, even if this wasn't the situation, Ms S hasn't sufficiently shown a link between the payments she made and the scam she says she lost the funds to – compared with the funds instead being lost because of e.g. bad investments.

I am sorry to hear that Ms S has lost her funds, she has my sympathy for this. However, considering what is available I haven't seen enough persuasive evidence from Ms S to evidence the loss being claimed. So, I don't find there are any grounds to uphold this complaint.

Although Nationwide has signed up to the Contingent Reimbursement Model Code, which is a voluntary Code which has the aim of providing customers with increased protection from APP scams, I would not be able to say it applies to Ms S's transfers. As above, in the first instance I must be able to see her losses due to a scam occurring, which I cannot. Additionally, Ms S's payments aren't covered by the Code because they were made to an account in her own name.

I've noted Ms S has referenced decisions that she believes are close to her circumstances. However, we consider each case on its own individual merits and although she believes the circumstances of other decisions seem to be similar, there are key differences.

### **My final decision**

My final decision is I do not uphold this complaint against Nationwide Building Society.

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

Lawrence Keath  
**Ombudsman**