

## The complaint

Mr S complains that Yorkshire Building Society (YBS) won't refund him the money he says he lost in a work tasks scam.

## What happened

The circumstances surrounding this complaint are well known to both parties, so I haven't repeated them in detail here. Instead, I've summarised what I consider to be the main points.

Mr S says he was involved in working as an agent for a company, rating retail goods for merchants to increase their visibility and boost sales. He would receive a commission for completing tasks. Sometimes he was asked to complete special tasks that attracted more commission, but this required him to make deposits of money to an account with the company, which he was told could be withdrawn along with the commission when the tasks were complete. The value of his commissions had built up to around £100,000. He was asked to pay a fee and when he tried to withdraw money, he was given excuses and he was unable to withdraw his commission or the money he had deposited. It was at this point he realised he had been the victim of a scam.

Mr S says he made some of the payments to the scammers by transferring money from his YBS account to a cryptocurrency account and then from there on to the scammers. He says he was told to give inaccurate answers to his banks if they asked questions about any of the payments. He says he made the following payments from his YBS account as part of this scam.

Date	Amount	Payment type	Destination
15/02/2025	£9,400	Faster payment	Own cryptocurrency account
02/03/2025	£7,564	Faster payment	Own cryptocurrency account

Mr S says he couldn't reasonably have known this was a scam before he made the payments. It appears the company he thought he was working for is a clone of a genuine company. Mr S considers YBS ought to have intervened effectively and prevented the payments because he says they were highly irregular, unusual and followed a known pattern of fraudulent transactions. He says these were large payments and he had never made payments to cryptocurrency accounts before, so these factors ought to have alerted YBS to the possibility he was falling victim to a scam. Mr S considers that if YBS had intervened and asked probing questions and provided clear warnings, he would have heeded those warnings and he wouldn't have made the payments.

YBS didn't uphold Mr S's complaint and wouldn't refund him. It says it doesn't consider it was at fault. It says the payments didn't raise any concerns or flag on its systems. The payments were not covered by the APP scam reimbursement rules because they were payments to another account controlled by Mr S. It called Mr S after these payments had been made, as part of a review, and it asked him some questions about the payments, but his answers weren't accurate.

Our investigator didn't uphold Mr S's complaint. He thought the payments were sufficiently unusual and suspicious that YBS ought to have intervened and called Mr S to ask further

questions before allowing the payments to proceed. But he didn't think any intervention would have been effective because the investigator was aware Mr S had misled another of his banks about payments relating to the same scam.

The investigator was also not persuaded there was enough evidence to show that Mr S had been the victim of a scam. He noted that no evidence of communication with scammers had been provided and no evidence to show that the money paid out from the YBS account was sent on to scammers. For example, he hadn't been provided with copies of a transaction history from Mr S's cryptocurrency account showing that the money received from YBS had been paid out of that account.

He didn't think there was any reasonable prospect of YBS being able to recover Mr S's money. This was because it had been sent to Mr S's own cryptocurrency account and, according to Mr S, sent on to the scammers from there, so there would be no funds left in the account for YBS to try to recover.

Mr S doesn't agree with the investigator's assessment and has asked for an ombudsman's decision. He maintains that the payments were unusual and suspicious and YBS ought to have intervened and provided relevant scam warnings. While he gave his other bank inaccurate information, he was manipulated into doing so by the scammers and he didn't think his other bank's interventions related to a scam, he thought they were administrative errors that were causing delays.

He adds that when YBS did call him to review the payments, on 10 March 2025, he told it he was paying money to HMRC and this should have caused YBS concern because this was a feature of a known scam.

He doesn't consider it's reasonable to expect a consumer to prove exactly where all their money went and that the absence of some evidence, such as messages exchanged with the scammer, shouldn't harm his complaint. He considers there is enough evidence to show it's likely he was the victim of a scam.

### **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.

Mr S has made lengthy and detailed submissions, which I have read and considered carefully. I've summarised a lot of these submissions and focused on what I consider to be the key points and issues in his complaint.

One of those key issues, in my view, is the lack of evidence to show that Mr S has been the victim of a scam. While it is quite possible he has been the victim of a scam, in general I have seen very little evidence to support what Mr S has told us. For example, the investigator asked for evidence, such as copies of messages with the scammer, but Mr S hasn't been able to provide any. He also asked for copies of statements from Mr S's cryptocurrency account to show that the money Mr S sent from his YBS account had been moved on.

While Mr S has told us the name of the company he thought he was dealing with and he has provided some evidence that this company has issued alerts to customers about scammers attempting to impersonate the company, there is little or no supporting evidence of direct contact between Mr S and scammers.

I do accept Mr S's point that there is some evidence he has been the victim of a scam. His

recollections are evidence and it is the case that scammers sometimes suggest using cryptocurrency to make payments. In the call with YBS on 10 March 2025, which I have listened to, Mr S mentions that he was making a payment to HMRC, and requests to pay taxes are often a feature of scams.

However, overall, I have very little supporting evidence to show Mr S was the victim of a scam, little evidence about the circumstances in which the scam started, how he was contacted, what was discussed, how plausible the information he was given was, no supporting evidence to show these payments reached the scammer and whether there were any warnings signs that Mr S should have noticed, amongst other things.

I understand Mr S's point of view that it is unrealistic to expect a victim of a scam to show exactly what happened to all of their money. But Mr S hasn't provided any supporting evidence to show how the payments he made to his cryptocurrency account ended up with the scammers or ever left that account, despite the investigator requesting this. I don't consider it is unrealistic to expect some evidence to be provided to support Mr S's version of events, particularly when the two payments were made only a short time before he raised the issue with YBS, which was in April 2025 and so evidence should have been available. I would expect Mr S to provide statements from his cryptocurrency account and copies of messages or evidence of contact with the scammers.

Overall, given the lack of evidence and for the reasons set out, I don't consider it would be reasonable for me to uphold his complaint and to require YBS to refund these payments.

While I am not upholding Mr S's complaint due to the lack of evidence this was a scam or that he suffered a loss, I do consider YBS should have intervened and called Mr S to ask probing questions about both payments. They were significant payments to a cryptocurrency exchange, and they appear unusual for Mr S's account. The call on 10 March 2025 came too late, in my view and while some of the answers Mr S gave it were inaccurate, some of the information Mr S gave YBS ought to have caused it real concern that he might be at risk of harm from a scam. But without sufficient evidence that Mr S was the victim of a scam, or sufficient evidence of loss, I'm not upholding his complaint.

#### Recovery

I agree with the investigator that there appears to have been no reasonable prospect of YBS being able to recover Mr S's money. Mr S sent the money to his own cryptocurrency account and, according to Mr S, he sent on to the scammers from there, so there would be no funds left in Mr S's cryptocurrency account for YBS to try to recover.

#### **My final decision**

I don't uphold Mr S's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 5 January 2026.

Greg Barham  
**Ombudsman**