

## The complaint

Mr C complains that Santander UK Plc won't refund him the money he says he lost in an investment scam.

Mr C is being represented by a professional representative, but for ease of reading I'll just refer to Mr C.

## What happened

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

Mr C says he saw an advert for an investment opportunity, on social media. He did some research, read some testimonials and looked at the company's website, which he said appeared very professional and he decided to invest. I'll refer to this company as company S.

He says he was told by company S to expect between 4 and 10% returns on his investment, per month. He says that after making an initial investment, he was encouraged by company S to invest more. He made the payments from his Santander account to an account he set up with a foreign exchange (Forex) broker. He says he then gave access to that forex broker account to an investment adviser assigned to him by company S and the adviser made all the trades, but after a while, the investment adviser lost all his money and cut contact.

Mr C complained to Santander in March 2025 about the following payments:

Date	Amount	Payment type	Destination
27/02/2019	£10,300	Bank transfer	Own account
08/03/2019	£9,377	Bank transfer	Own account
27/03/2019	£13,000	Bank transfer	Own account

He says Santander ought to have intervened in the first payment, on 27 February 2019, with a phone call, because the payment was unusual for his account. It was a large payment, to an international payee. He says he was vulnerable at the time and if Santander had intervened, it would have uncovered the scam. Mr C says the fact there is now an FCA warning about the company S is evidence that this was a scam, as is the fact that company S was not authorised by the FCA to provide the services it was offering.

Santander says the Contingent Reimbursement Model Code doesn't apply to these payments because it only applied to payments made on or after 29 May 2019. In any event, it wouldn't apply to international payments such as these. It said all the payments were authorised and authenticated by Mr C, using one-time passcodes. Santander added that the payments were not of out character for Mr C's account, as he had made several other large payments in the months leading up to the scam and Mr C had already made a £5,000 payment to the same payee on 20 December 2018. On that basis, it said it wouldn't be refunding Mr C.

Our investigator considered Mr C's complaint. He asked Mr C about the payment on 20 December 2018 and Mr C said this was part of the scam but he hadn't complained about it because he was out of time to bring a complaint about that payment. The investigator said he thought that Santander ought to have provided Mr C with a warning when he made the payment on 27 February 2019 and that Santander had provided a warning. He also said Mr C hadn't provided a clear and consistent account of what happened. He noted that the screenshots from the forex account showed a withdrawal and a remaining balance, as well as what appeared to be legitimate trading losses from a genuine forex broker account. He said the messages between Mr C and his adviser suggested Mr C had been carrying out the trades, rather than the adviser. Overall, he said there was little evidence Mr C had been the victim of a scam or had suffered a loss, and if he had suffered a loss, how much that loss might be. It appeared he had suffered genuine forex trading losses, albeit that he was receiving advice on those trades from an unregulated adviser.

Mr C didn't agree. He said the £10,300 payment was dramatically out of character for his account and should have resulted in Santander calling Mr C to ask questions about the payment, rather than providing an automated warning. Even if he had already made a payment of £5,000 to this payee some months before, this payment represented a large escalation. Santander ought to have seen that Mr C was making international payments many times larger than his annual salary and should have been concerned about the possible risk he was being scammed.

Mr C says he believes the adviser was acting fraudulently because he had access to Mr C's account and conducted all the trading activities for the entire duration of the scam – he didn't make any trades. He says he created the account but gave the login details to the adviser so the adviser could conduct trades on his behalf. Additionally, the adviser promised unrealistic returns and ceased contact with Mr C, which was indicative of a scam. He clarified some errors in the information he had provided about the payees. He said the screenshot was from his genuine account with the forex broker but is evidence of fraudulent activity because all the trades shown on the screenshot were made by the adviser. He says the messages he has provided show discussions where the scammer provided updates on trading performance and discussions about when Mr C should deposit more money.

As Mr C didn't accept the investigator's assessment, the complaint has been passed to me for an ombudsman's 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.

The first issues for me to determine are whether Mr C has been the victim of a scam and if so, how much he has lost. Having considered the evidence, I'm not persuaded that there is sufficient evidence to show that Mr C has been the victim of a scam. I'm also conscious that the payments Mr C is complaining about were made in early 2019 and he has complained to this service about another scam he was involved in, in 2020 and so his recollections, however sincerely held, might have faded over time and might not reflect exactly what happened. So, while I have taken his recollections into account, I have placed more weight on the evidence from around the time the payments were made.

It's clear Mr C sent money from his Santander account to another account he set up. Mr C accepts this was a legitimate forex trading account with a legitimate broker and that the trading losses he says he suffered are genuine trading losses. While he says that the trades were made by an adviser from company S, the messages he has provided do not suggest that is the case.

I have been provided with copies of some messages exchanged between Mr C and his adviser, some of which are dated to dates in April and May 2019. These messages, although quite limited, suggest Mr C was making at least some, if not all of the trades. For example, in one message he says: *"Okay bro when I see that next time I'm just going to trade very cautiously."* Messages on 24 May 2019 from the adviser show him asking Mr C if he wants to let someone trade on his behalf, but Mr C's response on that point is unknown. This indicates Mr C was making trades personally, at least up to that point. Another undated message from Mr C says *"...I've lost £30k with you guys this month and last and I used correct risk management, I need advice desperately as I'm down to my last £15k..."* The reply was *"...you have to be educating yourself..."* and *"I'd also recommend you certainly look into our capital management service. Where essentially we will be trading for you and he will return 5-10% per month ROI."* Mr C replied, *"Going forward shall I reduce lot sizes to a much smaller amount for the time being..."*

Although some of the messages are incomplete, none of these messages show trades were being made by the adviser, although that was offered. They indicate Mr C was making the trades with advice, at least up until around 24 May 2019. There is a further message from May 2019 giving links to videos that appear to be providing guidance to Mr C on how to trade and this would seem unnecessary if someone else was making the trades for him.

Based on the messages, I'm satisfied it's more likely than not that Mr C was making the trades himself, although it seems clear he was receiving advice on which trades to make and the adviser may well have been acting without necessary regulatory approvals and authorisation. But I'm not persuaded bad advice, or even unregulated advice, necessarily means Mr C was scammed. He does not appear to have been tricked into paying his money to an account he did not control, for a purpose he did not intend or to a recipient he didn't intend to pay. The adviser worked for a genuine limited company, registered on Companies House and the FCA warning Mr C refers to says that company may be undertaking activities without proper authorisation, rather than that it was carrying out a scam. The FCA website directs customers of company S to contact its liquidators and documents in the Companies House filing history indicate that the liquidators have invited claims from former customers.

Mr C also says all his money was lost and at that point the adviser cut off contact, but the evidence doesn't support that. Mr C continued to have contact with advisers from company S into 2020 and made other investments based on their advice. The investigator pointed out to Mr C that the screenshots from his forex account, which he accepts was a legitimate account, showed a remaining balance of £13,589.34 at the time the screenshot was taken and that a large withdrawal of £5,377.26 had been made. Mr C hasn't commented on that. The limited evidence he has provided doesn't show that all his money was lost from this account and his Santander bank statements also show he received at least one credit, of £793.45 on 1 July 2019, from the forex broker.

Overall, the evidence suggests to me Mr C made payments from his account with Santander to an account he had set up with a legitimate broker and that it's likely he made the trades which lost some of his money, although he disputes this. There isn't strong evidence that Mr C was tricked into making payments to a recipient he didn't intend to pay or to an account he didn't control, or for purposes he didn't intend and on that basis, I don't consider there is sufficient evidence to show he has been the victim of a scam or sufficient evidence to uphold his complaint.

### **My final decision**

I don't uphold Mr C's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or

reject my decision before 24 December 2025.

Greg Barham  
**Ombudsman**