

## **The complaint**

Mr S is unhappy that Bank of Scotland plc trading as Halifax won't refund him funds lost after he says he fell victim to a scam.

## **What happened**

The background to this complaint is well-known to both parties, so I won't repeat it in detail here. But in summary and based on the submissions of both parties, I understand it to be as follows.

Mr S was looking for assistance in relation to the processing of a spousal visa for his wife so that she may settle with him here in the U.K. He eventually came across an individual online - who I'll refer to as W. Mr S was led to believe that he would be able to assist him and so made contact. A fee was agreed with contact between Mr S and W primarily through messaging. The visa application was submitted and eventually rejected, as was the appeal. Mr S attempted to resolve the issues with W's support. He was told a barrister now needed to get involved in the next steps of the appeal, but he eventually lost all contact with W.

Mr S contacted the police and soon after, he says he began to see information on social media that W had been scamming others in his local area who had faced similar circumstances. Mr S made six payments to W totalling £6,750 between the period of February and September 2024.

Mr S reported the matter to Halifax explaining that he had been the victim of scam. Halifax considered whether Mr S ought to be refunded under considerations of the Contingent Reimbursement Model (CRM) Code. But his claim and subsequent complaint were rejected. Halifax said that for each of the payments made, they were unable to agree there was any firm basis to believe W was able to provide the services requested from him with little actions taken by Mr S which would have protected him from the scam.

Mr S brought his complaint to this service. Our investigator also rejected Mr S's complaint. But this was on the grounds that she wasn't satisfied he'd fallen victim to an Authorised Push Payment (APP) scam as defined by the CRM Code. Mr S appealed the investigator's outcome as he felt strongly he had been the victim of a scam, so the case 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.

Having done so, I agree with the conclusions reached by the investigator. I'll explain why.

At the time Mr S made these payments, Halifax was signed up to the CRM Code which sets out how it should respond where its customer is a victim of an APP scam. However, the code doesn't cover all scenarios and it specifically excludes private civil disputes:

*“This code does not apply to ... private civil disputes, such as where a Customer has paid a legitimate supplier for goods, services or digital content but has not received them, they are defective in some way, or the Customer is otherwise dissatisfied with the supplier.”*

Having considered the matter carefully, I'm not persuaded there's evidence of a scam here. The evidence I've been presented with shows me that W was assisting Mr S in the processing of a visa application for wife. That same evidence shows me that an application was submitted on 15 March 2024 under the category 'Apply to enter the UK as a partner'. This aligned with the payments made by Mr S in February and March 2024. I do note that Mr S has later gone on to explain that the wrong visa was applied for – a visitor's visa. It's unclear why that might have occurred, but from what I've seen in the evidence and the date of the payments made, this didn't occur until a month later in April and aligned to the payment made at that time. Reviewing the chat messages Mr S had with W, they communicated about the process and it's clear that telephone calls also took place outside of the shared chat messages. I'm not satisfied the evidence shows me that W intended to deceive Mr S and had no intention of providing the services agreed upon between them.

Mr S says that Halifax provided a refund to his brother who had also fallen victim to W. But my role is to look at this complaint independently and impartially, based on all the information I have at this point in time, to determine what is fair and reasonable. I have considered all the evidence presented by Mr S but I don't think that provides enough to show W criminally deceived him into making these payments at the time, with no intention of providing any service. I don't have enough to show W had no intention of providing the visa related service at the point Mr S made the payments. I'm therefore not persuaded it would be fair to make Halifax refund him under the CRM code (or otherwise) – as I don't have compelling evidence of an APP scam.

I appreciate this will come as a disappointment to Mr S, but I don't consider that Halifax has done anything wrong by refusing to refund his money. It follows that I'll not be directing Halifax to take any further action.

### **My final decision**

For the reasons I've explained, 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 23 February 2026.

Mark O'Connor  
**Ombudsman**