

The complaint

Mr G complains that Bank of Scotland plc trading as Halifax hasn't protected him from losing money to a scam.

What happened

The background to this complaint is well known to both parties, so I won't repeat everything here. In brief summary, Mr G has said that between April and September 2022 he made three payments from his Halifax account for what he thought was a legitimate investment. Mr G made the payments from his Halifax account first to his account with a legitimate cryptocurrency exchange. Mr G has said that he then moved them onto the scammers from there; and he subsequently realised he'd been scammed so he got in touch with Halifax. Ultimately, Halifax didn't reimburse Mr G's lost funds, and Mr G referred his complaint about Halifax to us. As our Investigator couldn't resolve the matter informally, the case has been passed to me for a 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.

Having done so, I've decided to not uphold this complaint for materially the same reasons as our Investigator.

I've focused on what I think is the heart of the matter. If there's something I've not mentioned, it isn't because I've ignored it – I haven't. 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, reflecting the informal nature of our service as a free alternative to the courts.

There's no dispute here that Mr G authorised the relevant payments. Halifax would generally be expected to process payments a customer authorises it to make. And under The Payment Services Regulations and the terms and conditions of the account, Mr G is presumed liable for any alleged loss in the first instance, in circumstances where he authorised the payments. That said, there are various and longstanding expectations of payment service providers, like Halifax, to be alert to fraud and scams and to act in their customers' best interests. But these are predicated on there having been a fraud or scam. So my first consideration here must be whether I think it's most likely Mr G was scammed and lost money as he has alleged.

There are significant absences in the evidence provided by Mr G. The information shows that his payments from his Halifax account went to his account with a well-known crypto exchange, and that he bought and sent cryptocurrency with at least some of these funds. However – and whilst I've carefully considered what Mr G's representative has said about this – I don't think the information is persuasive enough that all this cryptocurrency was sent to the scam investment platform Mr G alleges it was, or that Mr G's payments were made as a result of this. I've cross-referenced the crypto report with the crypto statements and this

hasn't sufficiently allayed my concerns about the lack of evidence here. In particular, I note that despite many opportunities, Mr G has failed to provide any evidence of his communications with the alleged scammers, or paperwork/persuasive screenshots connecting him to them. Essentially, I haven't seen anything at all from which I'm satisfied I could safely say Mr G was likely scammed by the people he says he was, or that his payments were made as a result of that. In deciding this, I've fully considered the reasons Mr G has given as to why he isn't able to provide this information, but in this particular case I haven't found this to be sufficiently persuasive.

In circumstances like this, I'm not persuaded I can say Halifax has done anything wrong. Even if I had thought there was sufficient evidence Mr G was scammed and lost funds as he has alleged, like our Investigator I still wouldn't find it persuasive that proportionate intervention from Halifax would have been likely to have stopped Mr G making his payments. This is because Mr G and his representative have explained how he found the opportunity so convincing, with it being recommended by a long-term friend and everything else that has been said about why he thought things were legitimate. In circumstances like this, I think that whilst it's possible that intervention from Halifax *might* have made a difference, it looks more likely that Mr G probably wouldn't have been sufficiently persuaded as to not proceed as he says he did anyway. In any event, as I've said, I'm not persuaded I can fairly say here that Mr G was most likely scammed and lost money as he has alleged. This means I can't fairly uphold this complaint about Halifax.

My final decision

For the reasons explained, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 13 February 2026.

Neil Bridge
Ombudsman