

The complaint

Ms D complains that Bank of Scotland plc trading as Halifax will not reimburse the funds she lost to a scam.

Ms D is professionally represented, but for ease I have only referred to Ms D in my decision.

What happened

Between October 2023 and February 2024 Ms D made payments towards what she thought was a genuine job role. The role required Ms D to complete a set of tasks for which she would receive commission. She was asked to set up an account on the company's platform and to make cryptocurrency payments when the account would enter a negative balance or to access tasks that gained higher commission. Ms D later realised it had been a scam, and reported the matter to Halifax but it did not uphold her complaint.

Our Investigator did not think the complaint should be upheld. She thought Halifax ought to have intervened but did not think it could have prevented the loss Ms D experienced.

Ms D didn't accept our Investigator's opinion; she thinks that had Halifax questioned her it could have uncovered the scam. The Investigator considered the points Ms D made but maintained her position. And as an agreement could not be reached, the complaint 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 recognise that I have summarised this complaint in much less detail than has been provided. I want to reassure both parties that I have taken their submissions into consideration and if I haven't mentioned something it isn't because I've ignored it. I haven't. Rather, I've focussed on setting out what is key to my decision.

I understand that Mrs S has been the victim of a very cruel scam and I'm sorry she has lost out because of it. However, I must put aside my feelings of sympathy and consider the complaint impartially. Having done so, I have reached the same outcome as the Investigator and for similar reasons. I know this will be disappointing to Ms D, but I'll explain my reasons why.

In broad terms, the starting position in law is that a bank is expected to process payments and withdrawals that a customer authorises it to make. However, taking into consideration the relevant regulatory rules and guidance, codes of practice and good industry practice, Halifax should take steps to identify and where possible prevent sufficiently unusual or uncharacteristic payments to help protect its customers from financial harm resulting from fraud.

I find the payments were out of character when considering the previous account activity.

And taking into account the value of the payments, the frequency with which they were made, as well as the known risks associated with cryptocurrency, I think Halifax ought reasonably to have been concerned that Ms D might be at an increased risk of harm from fraud or a scam. Therefore I think it should have enquired about the purpose of the payments and the circumstances surrounding them. It should also have provided tailored warnings based on the stated purpose. However Halifax has not shown that it attempted to query any of the payments.

However it is not enough for me to conclude that Halifax should have done more to protect Ms D, I must also consider whether intervention would have had a positive impact and prevented the loss, I'm not persuaded that it would. I find Ms D was under the scammer's influence and determined to make the payments. I say this because she provided misleading information when other banks questioned her about payments relating to the scam, stating that she was sending funds to her sister overseas and at another time stating that she was trading in cryptocurrency and had been for eight years. Ms D also provided inaccurate information when asked the purpose of a loan she applied for to fund the scam. On several occasions, the scammer directed Ms D to conceal the purpose of the payments and specifically instructed her not to disclose the name of the firm, which she agrees to do. In light of this, and on the balance of probabilities I find it more likely than not Ms D would have continued to follow the scammer's instructions had Halifax questioned her. I appreciate Ms D was not aware that it had been a scam, but when inaccurate or misleading information is provided, it makes it difficult and at times prevents Halifax from potentially uncovering a scam.

Furthermore, the conversations between Ms D and the scammer indicate that a cryptocurrency provider had restricted her wallet and told Ms D she was being scammed. It also informed her that the wallet address she was sending the funds to had been linked to a job scam. Ms D's daughter also warned that it was a scam and the issues she faced bore the hallmarks of a job scam. Despite this, Ms D continued to make payments to the scammer and ignored several other concerning factors such as the unrealistic earnings from the role. As such, I'm not persuaded Ms D would have taken heed of warnings from Halifax had they been given.

I find Ms D made payments from several bank accounts and used a number of different cryptocurrency platforms to circumvent the restrictions put in place by the different businesses. It follows that had Halifax gone as far as to restrict Ms D's account or enacted the banking protocol (as she suggested), on balance, I think it is more likely than not Ms D would have found alternative means of making the payments.

Some payments were made via Ms D's debit card to legitimate merchants (that is the cryptocurrency platforms) and a service fulfilled. Other funds were transferred to bank accounts and wallet addresses in Ms D's name before they were sent on to the scammer. As these accounts were under Ms D's control, she would have been able to access and recover any funds that may have remained in them. As such, I am not persuaded there were any real prospects of Halifax recovering the funds.

I've thought carefully about all that's happened, I'm sorry that Ms D has been left out of pocket by the scam and I sympathise with her. However, I could only uphold this complaint and require Halifax to reimburse the money she lost, if I thought any failings on its part were material to the loss and I'm not persuaded that is the case here.

My final decision

For the reasons I have outlined above, my final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms D to accept or reject my decision before 5 March 2026.

Oluwatobi Balogun
Ombudsman