

The complaint and background

Miss J complains that Santander UK Plc (“Santander”) didn’t do enough to protect her when she fell victim to an investment scam in 2020, resulting in a loss of over £38,000. She complained to Santander, via a representative, in 2025 but it didn’t uphold her complaint as it said the payments were made to Miss J’s own account, so the matter was brought to our Service.

Our investigator upheld the complaint. He acknowledged that the payments were authorised but felt that Santander should have intervened at the point of the first payment, which was for £20,000 to a cryptocurrency provider. Santander said it intervened by way of a phone call. But as a recording of this call was unavailable, the investigator didn’t think it would be fair to say that the content of the call was sufficient. He’d seen no evidence that Miss J wouldn’t have been open and honest about the payment she was making and said there were clear hallmarks of a scam involved in what she was asked to do. So, he was persuaded that Santander would have been able to expose the scam with a proportionate intervention.

Miss J agreed, but Santander didn’t. In summary, it said that it had intervened and provided some context about what it says would have been discussed in the call. And it wasn’t confident that the scam would have been unravelled by a proportionate intervention.

So the complaint was passed to me. I got in touch with Miss J’s representative informally, as I was minded to reach a different outcome. I explained that while there wasn’t sufficient evidence around the contents of the intervention call Santander said had taken place, there also wasn’t sufficient evidence around Miss J’s communication with the scammer – including what had persuaded her to ‘invest’ and whether it had coached her in terms of any interaction with her banks. I explained that my provisional position was that I wasn’t persuaded, on the basis of the evidence provided, that any error on Santander’s part was what ultimately led to the loss of Miss J’s funds.

Miss J’s representative said, in summary, that Miss J had no recollection of a call with Santander, had no recollection of being told to lie to the bank or being provided with a cover story, and that she believes she would have been upfront and honest with the bank if questioned. It believes that as Miss J can provide formal testimony to state that she did not mislead the bank, whereas Santander hasn’t (to its knowledge) gone on record to state it provided an effective intervention, it would be reasonable to conclude Santander failed to provide an effective warning and the scam would have been uncovered if it had. It also explained that it was attempting to obtain call logs relating to inbound calls from the time of the call.

I contacted Miss J’s representative, again informally, to explain that I didn’t feel it would be fair to take this stance. In essence, my overall position was that there was a lack of evidence from both sides – with Santander unaware that Miss J had been the victim of a scam until almost five years after the event. And I hadn’t been provided with sufficient evidence to persuade me that a proportionate intervention from Santander would have prevented Miss J’s losses.

Miss J's representative disagreed. It didn't feel that enough weight had been given to Miss J's testimony that she hadn't received coaching or cover stories. And it feels that, in the absence of sufficient evidence from either side, liability should be split between the two parties.

As I'm satisfied that both parties have had ample opportunity to respond, and the complaint has reached an impasse, I'm now in a position to issue my 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.

Having taken into account longstanding regulatory expectations and requirements, and what I consider to be good industry practice, I agree Santander ought to have been on the lookout for the possibility of fraud and made additional checks before processing payments in some circumstances.

Based on the available evidence, Santander did find the first payment suspicious. It said that this resulted in a telephone conversation and provided audit trail information to support this, though Miss J doesn't recall this taking place. I agree with the investigator and Miss J that there should have been an intervention call for this payment. Whether there was a call or not, I don't have sufficient information about the content of the call, so it wouldn't be fair to proceed on the basis that it was proportionate to the risk presented. But, in this particular case, I've not been persuaded that an appropriate call would have prevented Miss J's loss.

I say this because I've also been given very limited evidence about Miss J's communication with the scammer. In her submissions, Miss J explained that the scammer was in constant and regular contact with her and showed deep and professional knowledge about investments. She's told us that this communication was via emails, calls and video conferencing but I've seen limited evidence of this communication, with very little relating to the period prior to making the first payment. In much later correspondence, when Miss J was looking at ways of recovering her funds, she explained to a third party that "*it is as if I was brainwashed, don't know how I could have been persuaded right from the beginning.*" Without more evidence, I'm not persuaded that a proportionate intervention from Santander would have had sufficient impact to dissuade Miss J from proceeding with the payments – as it's clear that she'd placed a significant amount of trust in the scammer.

Miss J's representative talked about how Miss J didn't have *recollections* of being told to lie to the bank or of being given a cover story. And that she believes she would have been honest during any interventions. But it later suggested that her testimony had stated *unequivocally* that she didn't receive coaching or cover stories. The surrounding submissions suggest a degree of uncertainty around what happened at the time of the scam, likely due to the passage of time. I don't feel that I can rule out the possibility that Miss J was coached and this would have impacted Santander's ability to provide appropriate warnings or uncover the scam.

I haven't been provided with evidence around what persuaded Miss J to invest, or why she felt so confident in the investment that she was willing to borrow later on in the scam to continue with it. But having constant and regular contact with the scammer, who seems to have been able to 'brainwash' her is likely to have played a part here.

In broad terms, the starting position at law is that Santander would have been expected to process the payments that Miss J authorised it to make, in accordance with the Payment Services Regulations. As outlined above, I would have expected Santander to intervene in

some circumstances, with the first payment here being one of them. And the evidence it has available suggests that it did, to an unknown degree.

But, to uphold this complaint, I would need to be persuaded that a proportionate intervention from Santander, would have prevented Miss J's losses. Miss J, as the individual who fell victim to this scam, is in a far better position to provide evidence – by way of emails, texts, call logs etc, as well as detailed testimony – to support her version of events than Santander which would be reliant on system information, as opposed to human recollection, from around five years prior. I acknowledge that Miss J has explained why she wasn't in a position to complain sooner, but the passage of time is likely to have impacted both sides in terms of the available information and recollections of the scam. So, considering all the circumstances of this particular case, I'm not satisfied that the evidence provided is enough to suggest that Santander could reasonably have prevented Miss J's loss.

For completeness, I wanted to address the call log information that Miss J's representative has been trying to obtain. While I gave an opportunity to obtain this, it hasn't yet been provided. But I'm satisfied that I've been able to reach a fair outcome without this. I say this as, in terms of communication from the scammer, evidencing the number and potentially the length of calls received wouldn't provide any insight into what was discussed within the calls – and we also know that there were other means of communication besides phone calls. Miss J's representative was also intending to provide clarity on whether the phone call from Santander took place at all. But I've addressed above why I've not been persuaded that an appropriate call would have prevented Miss J's losses. So, putting aside the possibility of other numbers being used, the call being an outgoing call etc., providing a call log without an incoming call from Santander showing on it wouldn't change my position.

While I'm sorry Miss J has been the victim of a scam, I can only uphold her complaint if I'm satisfied there were failings on Santander's part *and* that these failings made a material difference to what happened. For the reasons given, I've not been persuaded that they did.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss J to accept or reject my decision before 6 March 2026.

Melanie van der Waals
Ombudsman