

The complaint and background

Ms D, via her representative, complains that Santander UK Plc (“Santander”) didn’t do enough to protect her when she fell victim to an investment scam resulting in the loss of over £25,000.

Our investigator didn’t uphold the complaint. Although he thought Santander should have intervened, he wasn’t persuaded this would have prevented Ms D’s loss. This was because the payments were being made to her own account with another provider – and this provider *did* intervene by way of written warnings and a telephone conversation. And in the telephone conversation, which was on the same day as the investigator thought Santander should have intervened, Ms D provided a series of inaccurate answers and disregarded warnings that were relevant to the situation she was in. So, the investigator was persuaded that if Santander had intervened, Ms D would have continued to conceal the true nature of the payments and would have continued to make them.

Ms D disagreed. In summary, she raised that insufficient weight had been placed on her longstanding relationship with Santander to identify that she hadn’t previously taken out loans or engaged in high risk behaviour; there were multiple rapid payments of increasing amounts; that the intervention by the third-party was only after she’d already lost a significant amount; and that Santander shouldn’t be absolved of responsibility when it had failed to act simply because she hadn’t disclosed the true purpose of the payments.

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.

I agree with the investigator that I wouldn’t have expected Santander to have intervened with the initial payments in dispute here. This is on the basis that they weren’t so significant that they ought to have been identified as being particularly uncharacteristic – and they were also going to an account in Ms D’s own name, without any suggestion they were going to be used to purchase cryptocurrency.

But I’m inclined to agree that Santander ought to have intervened on 4 December 2024, as Ms D made multiple payments to that same, relatively new, beneficiary totalling £10,000, across five payments of £2,000. I acknowledge that Santander has said that, having received a loan for £20,000, it could be considered more unusual *not* to promptly utilise the funds. But sending across multiple payments in this way – totalling a significant sum - to her account with an Electronic Money Institution (EMI) rather than a specific purchase that the loan was presumably intended for does raise questions about whether she was at risk of financial harm. So, in the circumstances of this particular case, factoring in matters such as the uncharacteristic spending, I’m persuaded that Santander ought to have intervened.

However, like the investigator, I'm not persuaded that a proportionate intervention would have prevented Ms D's loss.

I say this because the abovementioned EMI did intervene on that same day – 4 December 2024 – by way of a human intervention in relation to the onwards payments to cryptocurrency. Within this telephone conversation, the adviser explained that they believed Ms D was falling victim to a scam. When questioned, Ms D provided numerous inaccurate answers, such as that she wasn't being guided or dealing with anyone, that she wasn't investing her funds or transferring them on but was holding them in her wallets and observing the markets, and that she hadn't heard about the investment via social media. The adviser provided a warning that referenced fake trading platforms, withdrawal fees, and liquidity fees which were relevant to the situation Ms D was in. But she proceeded with payments following this.

So, had Santander intervened, I'm not persuaded that Ms D would have given substantially different answers, especially given that the intervention would have been expected on that same day. And I do think it's worth reiterating that Santander would have seen payments going to Ms D's own EMI account, as opposed to being able to see that payments were going to cryptocurrency. So, there would have been *less* chance of Santander uncovering, through proportionate enquiry, that the payments related to cryptocurrency. I'm persuaded that had Santander asked Ms D appropriate questions about the payments she was making, she would have answered in such a way as to avoid alerting Santander to what was really happening.

For completeness, I'll just add here that while there were some payments made directly from Ms D's Santander account to cryptocurrency later on in the scam, given the value and frequency of these, I wouldn't have expected an intervention from Santander at this point.

And, to address the remaining point Ms D specifically raised, I note that she's said the intervention by the EMI was only after she'd lost a significant amount. In terms of this complaint against Santander, this intervention would have been on the second day that payments were being made – Santander didn't have insight into what payments she was making from her EMI account. Instead it seems that this point is more relevant in the consideration of her separate complaint against the EMI, which falls outside of my consideration of Santander's actions (or inactions).

Ms D has undoubtedly been the victim of a cruel scam, and I'm sorry to hear about her circumstances at the time. But I can only uphold her complaint if I'm satisfied that Santander's failings made a material difference to what happened. For the reasons given, I'm not persuaded they did. Had Santander proportionately intervened, I think it's more likely than not that Ms D would ultimately have continued to make payments.

My final decision

For the reasons given above, my final decision is that I don't 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 13 March 2026.

Melanie van der Waals
Ombudsman