

## **The complaint**

Mr and Ms D complain that Metro Bank Plc (as the recipient bank) didn't do enough to prevent them from losing money to what they say was a scam.

Mr and Ms D have used a representative to bring their complaint. But, for ease of reading, I'll mostly just refer to Mr D where I also mean Ms D and his representative.

## **What happened**

The detailed background to this complaint is well known to both parties. So, I'll only provide an overview of some of the key events here. Mr D says that he and Ms D used an individual I'll refer to as Mr M as an accountant. He says Mr M managed their complex international tax affairs for them for a number of years. Mr D describes that he would make payments to accounts Mr M held with Metro Bank to both pay for the accounting work and for Mr M to settle his tax bills on his behalf. Broadly speaking this arrangement was in place for a number of years between 2019 and 2023. He would meet Mr M yearly to discuss his finances and believed everything was in hand. He also says that he entered into an investment offered by Mr M.

Mr D's letter of complaint lists a series of payments made between February 2019 and October 2023. They range in value between around €200 and €5,000 and together total around €168,116.

Mr D says that in September 2023, the tax authorities in the country he'd been working in recovered money owed from his bank account. He then says he realised that Mr M hadn't been correctly paying his taxes as he'd purported to. Initially Mr M told Mr D he would put things right, and he made several payments in this regard. But ultimately, the larger promised payments never materialised. Mr D believes he's been scammed and that Metro Bank failed in various ways by opening and allowing the operation of the account he and Ms D paid.

Metro Bank didn't agree they'd done anything wrong and didn't offer any redress. The matter was referred to our service and one of our Investigators didn't recommend that the complaint should be upheld. Mr D disagrees and has asked for an Ombudsman to review his complaint.

## **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 reached the same outcome as our Investigator and for broadly similar reasons. I know this will be disappointing for Mr D, so I'll explain why.

Firstly, there is some complexity here as I'm aware that Mr D made payments to Metro Bank accounts controlled by Mr M from both his sole account as well as his joint account with Ms D. And also that he likely paid accounts held with banks other than Metro Bank. But this decision is solely about the payments made from Mr and Ms D's account. I can see several such payments arriving in an account held with Metro Bank with an account number ending 2362.

However, many of the payments highlighted in Mr and Ms D's letter of complaint don't directly correlate to payments I can identify arriving into that account (even accounting for them being sent in Euro's and the account being denominated in GBP). It also isn't my role to go through all the statements on behalf of Mr and Ms D with a view to establishing their loss.

However, as an example, the 2021 statements for the Metro Bank account show over £89,000 crediting from Mr D and over £41,000 which seems to credit from both Mr and Ms D meaning a total of over £130,000 being paid from Mr D and or Ms D. And in the same calendar year there are outgoing payments which appear to be to tax authorities on behalf of either Mr D, Ms D (or both) which total around £146,000. I appreciate the position might be different in other years and that overall, Mr and Ms D might still be at a loss. But the above does call into question the exact nature of the loss suffered. This is especially the case when the accountholder made payments of around £35,000 towards putting any loss right in 2024.

Further to this, I've also thought about whether the payments in the account statements only appear to go to tax authorities, and the possibility of them being dishonestly sent elsewhere with the intention of making it look genuine. However, the documents from the tax authority that Mr D has shared, don't support that being the case. There is evidence of deposits into his tax account of €20,000 on 25 October 2022 and there is a corresponding outgoing payment of £17,930.79 (which would equate to the same amount once converted) from Mr M's sole trader account. Similarly, there is a €14,000 deposit into the tax account on 16 February 2023 and this too corresponds to equivalent outgoing payments, marked as intended for the tax authorities on Mr M's sole trader statements. So, I think it's more likely than not that at least some genuine payments were made towards Mr D and Ms D's tax affairs.

Overall, there are some question marks in my mind as to whether it can fairly be said that Mr M intended to defraud Mr and Ms D when accepting payments from them, or whether this is a case of poor business practice or incompetence resulting in a dispute and loss. If there was no 'scam' to protect against, then there isn't a basis upon which I could expect more from Metro Bank here. And in any case, I'm not persuaded that Mr and Ms D have clearly set out their loss in relation to the funds they paid. But even if I set all these issues aside and assume that Mr M had dishonest intent from the start and that Mr and Ms D could clearly quantify their loss, for the reasons I'll come to, it still wouldn't change my mind as to the outcome of this complaint.

The account Mr and Ms D paid was opened in September 2020. I've seen evidence of a valid identity document taken at the time and it was opened as a sole trader business account. I've also seen evidence of the checks conducted by Metro Bank and I don't think there were any failures in relation to their opening of the account.

The activity on the account itself, also wasn't outside what I think would be expected for a business of this type. There were payments received from individuals and payments made internationally which appear to be towards the payment of taxes in the names of those who had made payments into the account. This is in line with the stated nature of business for Mr M. So I agree with our Investigator that the payments wouldn't have seemed suspicious or indicative of a potential scam. And even if Metro Bank had intervened in the account, I've

no doubt that the accountholder would've been able to provide sufficient evidence to satisfy reasonable enquiries from the bank. It follows that I don't think there were account monitoring failures which are causal to Mr and Ms D's loss.

I've also not seen evidence to support that Metro Bank were put on notice of a problem with the payments received from Mr and Ms D until their complaint was received in February 2025. I don't think it was unreasonable for Metro Bank to refer Mr and Ms D to their own bank in the first instance (as is industry practice). So I'm also not persuaded that Metro Bank acted unreasonably with regards to any potential recovery from the account.

So whilst Mr and Ms D may still be at a loss, I'm not persuaded this is something Metro Bank can fairly be said to be responsible for. There isn't therefore a reasonable basis upon which I can require them to do more to resolve this complaint.

### **My final decision**

For the reasons outlined 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 Mr D and Ms D to accept or reject my decision before 13 April 2026.

Richard Annandale  
**Ombudsman**