

## **The complaint**

Mr M is unhappy that American Express Services Europe Limited (AMEX) won't refund payments he made because of an impersonation scam.

## **What happened**

On 13 December 2025, Mr M received a phone call from who he thought was a representative from the Financial Conduct Authority. They told him that his account had been compromised, due to a data breach, and that scammers had made payments in his name. They asked that he make genuine purchases to assist with their investigation.

Unfortunately, Mr M was in contact with scammers, who were looking to obtain goods paid for by him. Between 13 and 17 December 2025, Mr M made nine payments on his AMEX credit card, totalling £12,900.47 to a variety of merchants. On 17 December 2025, after confiding in a work colleague, he was advised to contact the FCA. He did so and they confirmed that he had been scammed.

Mr M reported what happened to AMEX and at the same time, raised a complaint it failed to protect him from the scam. AMEX replied on 30 December 2025 that it didn't think it had made any errors and wasn't prepared to refund any of the transactions.

Unhappy, Mr M brought his concerns to our service to investigate. Our investigator looked into matters but didn't uphold his complaint. He said AMEX ought to have intervened by the fourth payment, and third in a row on 14 December 2025. He said Amex ought to have asked questions to try and find out more. But he concluded even if AMEX had gone further and asked more questions or issued a warning, he didn't think Mr M would have stopped what he was doing. He didn't uphold Mr M's complaint on this basis. He also said AMEX couldn't have done anymore to recover the money that Mr M sent.

Mr M disagreed with the investigator, so as the parties are not in agreement, his complaint has come to me to make 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.

From 7 October 2024, NatWest has been subject to the Payment System Regulator's mandatory reimbursement rules. That said, the rules apply only to bank transfer scams, not to debit or credit card payments, so they don't apply here.

Moving on, the starting position in law is that a credit card provider such as AMEX is expected to process payments a customer authorises it to make. In this case, I think Mr M authorised the transactions. Mr M made the transactions as a result of an impersonation scam, but I am satisfied he authorised them, so the starting position is he is liable for them.

However, that isn't the end of the matter. AMEX is also expected to take reasonable steps to protect their customers from financial harm, including identifying and responding to transactions that may indicate a risk of fraud. So, I've considered whether AMEX did enough here when Mr M made the payments on his card.

I can see that it would have been difficult, at least initially for AMEX to identify what was going on here, and have at least enough concerns that it ought to step in and make an intervention. I can see that for the first three payments, they were of the sort of value and to well known merchants, that they looked like the sort of payments Mr M would be making at any given time. I don't think the first three payments ought to have given AMEX any concerns.

That said, I do think that by the fourth payment, AMEX ought to have been doing more here, and I agree with what has been said so far. It was the third payment to the same merchant in quick succession, and Mr M had paid a total of over £6599 to them. This was not usual account activity for Mr M and a suspicious pattern had formed in quick time, so AMEX ought to have stepped in at this point.

By the fourth payment for £2000 made by Mr M on 14 December 2025, I think AMEX ought reasonably to have identified that there was an increased risk of fraud. I think it ought to have asked more than simply confirm it was Mr M making the payment. For example, it could have asked what the payment was for, and whether Mr M was acting on advice by a third party or alone and whether he had been contacted by anyone about the payments. But AMEX didn't do this, instead it simply requested Mr M confirm that it was him making the payment.

In this case, on balance, I think AMEX made a mistake in not intervening when it ought to have done. That said I don't think, even if it did do what it ought to have done, that it would have made a difference to the outcome.

Mr M had been told by the scammers that he was assisting an FCA investigation and specifically instructed to tell his bank that the transactions were routine and to provide a plausible explanation. There isn't anything to suggest at that stage, he would have been likely to disclose what was happening if asked further questions. I am not convinced that Mr M would have revealed anything about the scam that would have led to AMEX taking further action, that could have led to a different outcome.

Taking all of that into account, I'm not persuaded that more probing questions from AMEX, would have led to a different outcome here. Any such intervention would still have depended on Mr M recognising or disclosing that he was being scammed. On balance, he wasn't doing so at the time and was actively maintaining the position he had been coached to adopt. I don't think on balance, that this would have changed.

I've also considered Mr M's point that other firms have refunded him in relation to the same scam. I acknowledge this point, but each firm's response will depend on its own circumstances. So those outcomes don't determine what is fair and reasonable here.

I also don't think AMEX could have done anymore with regards to recovery. Unfortunately, due to the nature of the scam, Mr M had purchased genuine goods from the merchants involved and so they had carried out their side of the transaction. These payments therefore satisfied the rules of the chargeback scheme and S75 of the Consumer Credit Act. I haven't seen anything to suggest AMEX made any mistakes in this regard.

I'm very sorry for what Mr M has gone through here, I can see he has been significantly affected by what the scammers have done. But I have needed to consider AMEX's role in

what happened, and having considered everything, I don't think its mistakes have led to Mr M's losses, for the reasons I have given. So, it follows that I don't think it needs to do anything further.

### **My final decision**

For the reasons I've explained, my final decision is that I do not uphold Mr M's complaint.

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

Mark Richardson  
**Ombudsman**