

The complaint

Ms W has complained that Santander UK Plc won't refund the money she lost after falling victim to a scam.

What happened

In summary, in summer 2025 Ms W received an email from a friend's email address, asking her for help buying gift cards from a well-known online merchant. Unfortunately, the friend's email had actually been hacked by a scammer.

Ms W made two card payments to the online merchant using her Santander debit card, totalling £500. Then she sent the gift cards to the scammer.

The scammer asked for more. Ms W spoke to her friend directly and realised she'd been scammed.

Ms W reported the scam to Santander. Santander didn't think they were liable for the loss.

Our investigator looked into things independently and didn't uphold the complaint. Ms W asked for an ombudsman's final decision, so the complaint's been passed to me to decide.

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.

In doing so, I've taken into account everything which both sides have said and provided. But I won't necessarily comment on every single argument or piece of evidence on a strict point-by-point basis, as a court might. We're an alternative to the courts, here to decide complaints more quickly and less formally. So the decision will be focused on what I've found to be the key points.

I understand that Ms W fell victim to a scam, for which she has my sympathy. I appreciate that such scams can feel cruel, and are often not easy matters to face, and I appreciate why she would like to try to get her money back. We must keep in mind that it's the scammer who's primarily responsible for their own scam, and it's the scammer who really owes Ms W her money back. But in this case between Ms W and Santander, I'm just looking at what Ms W and Santander are liable for.

Broadly speaking, Santander are not generally responsible for the scammer. And Santander are not the police, so they're not generally responsible for a criminal investigation or for catching the scammer. Santander can potentially be liable to refund some scam losses in certain situations. But having carefully considered everything that both sides have said and provided, I've found that this is not a situation where Santander is liable. I'll explain why.

It's not in dispute that Ms W authorised the payments involved. So although she didn't intend for the money to end up with a scammer, under the Payment Services Regulations she is liable for her own payments and the resulting loss in the first instance. And broadly speaking, Santander had an obligation to follow her instructions – the starting position in law is that banks are expected to process payments which a customer authorises them to make.

Santander should have been on the lookout for payments which could be the result of fraud or scams, to help prevent them. But a balance must be struck between identifying and responding to potentially fraudulent payments, and ensuring there's minimal disruption to legitimate payments. So for example, Santander were not required to intervene every time a customer made two payments to a merchant on the same day or spent over £50.

I appreciate that Ms W strongly feels Santander should've intervened here. And I appreciate that this was a frustrating amount for her to lose, not least when she thought she was just helping a friend. But these were only two payments, of relatively modest amounts, made in an unexceptional amount of time, from a sufficient balance, to a large well-known merchant, who Ms W had used many times before. This was not, for example, a series of lots of payments for thousands of pounds sent to somewhere suspect. People occasionally make purchases or payments which are bigger than their everyday household spending, and Ms W had paid many similar or much larger amounts than this in the preceding period. People will also sometimes make more than one payment to a merchant in a day, as Ms W had also done quite a few times in the preceding period. I'm afraid these two payments did not stand out as being remarkable, and were not nearly concerning enough that Santander needed to intervene here. So it's reasonable that they didn't.

Ms W made arguments around the PSR's latest rules, introduced in October 2024. But while I understand why she thought to raise that, card payments like these are not covered by those rules, nor by the CRM Code which came before. So I'm afraid those rules are not applicable to her case.

I've then considered what Santander did to try to recover the money after Ms W told them about the scam. Unfortunately, it wasn't possible for Santander to get back the gift cards which Ms W had sent on. And there was no chargeback reason which would've been appropriate here. A chargeback would've been a claim against the genuine merchant, not the scammer. And the merchant provided what they were supposed to. There was no realistic prospect of success for a chargeback, and chargebacks are voluntary, so Santander didn't need to try one in this case. And I'm afraid there was nothing more that Santander could've reasonably done to get the money back here.

So while I'm sorry to hear about what the scammer did to Ms W, I don't think Santander can fairly be held responsible for her loss. And so I can't fairly tell Santander to reimburse Ms W in this case.

My final decision

For the reasons I've explained, I don't uphold this complaint against Santander UK Plc.

This final decision marks the end of our service's consideration of the case.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms w to accept or reject my decision before 10 May 2026.

Adam Charles
Ombudsman