

The complaint

Mr A complains that Santander UK Plc ("Santander") have failed to refund over £5,000 he says he lost to an investment scam.

The details of this complaint are well known to both parties, so I won't repeat everything again here. Instead, I will focus on giving the reasons for my 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 done so, I agree with the conclusions reached by the investigator for the following reasons:

- It's no longer in dispute that Mr A authorised the disputed payments he made to his crypto wallet with CRO using his Santander debit card (where his funds were subsequently transferred on to the scammers from those platforms). The payments were requested by him using his legitimate security credentials provided by Santander, and the starting position is that banks ought to follow the instructions given by their customers in order for legitimate payments to be made as instructed.
- However, I've considered whether Santander should have done more to prevent Mr A from falling victim to the scam, as there are some situations in which a bank should reasonably have had a closer look at the circumstances surrounding a particular transfer. For example, if it was particularly out of character.
- I appreciate that overall, Mr A has lost over £5,000 which is a significant amount of money. But this amount wasn't paid in one single large or 'out of character' transaction. It was spread over several smaller increments which, in my judgment, would not have appeared particularly unusual or out of character when compared with Mr A's spending history, such that they ought to have been regarded as suspicious or indicating that he might have been at risk of falling victim to a scam. The payments were not of such an amount, for example, that they would represent a significant deviation from the way Mr A's account was normally run.
- I also acknowledge there were occasions where more than one payment was made in the same day to CRO, such as three payments being made on 1 November 2021. However, by this point, Mr A had previously already made payments to the crypto platform a few days before. So, by the time he came to make these payments, CRO was already established on his account as an existing payee, which was also a legitimate cryptocurrency exchange platform. The three payments he made on 1 November 2021 also only totalled around £3,200, which cumulatively wouldn't have appeared overly unusual as an amount to be spent in one day from Mr A's account.
- So, having considered the payments Mr A made to CRO, I'm not persuaded there was anything that ought reasonably to have triggered Santander's fraud monitoring systems,

or that would have indicated he was in the process of being scammed.

- I understand that Mr A is also unhappy with the way Santander handled his claim, as it closed his investigation and didn't respond when he provided further information. I can see that Santander's communication could have been better, and I appreciate the service Mr A received would have been frustrating. However, Santander has offered £50 compensation in recognition of its poor handling of Mr A's claim which, overall, I'm satisfied is fair and in line with the sort of award our service would make in these circumstances. So, I won't be asking Santander to pay any further compensation.

I appreciate this will likely come as a disappointment to Mr A, and I'm sorry to hear he has been the victim of a cruel scam. However, in the circumstances, I do not consider it would be fair and reasonable to hold Santander liable for his loss.

My final decision

For the reasons given above, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 22 August 2023.

Jack Ferris
Ombudsman