

## The complaint

Mr M complains Barclays Bank UK PLC won't refund money he lost as a result of a scam.

## What happened

The details of this complaint are well known to both parties, so I won't repeat them again here. The facts are not in dispute, so I'll 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've reached the same outcome as our investigator for these reasons:

- In broad terms, the starting position is that Barclays is expected to process payments that Mr M authorises it to make, in accordance with the Payment Services Regulations 2017. While Mr M was a victim of a cruel scam, it's accepted he authorised the payments. That's means he's presumed liable for the losses in the first instance.
- However, there are circumstances when it might be appropriate for Barclays to take additional steps before processing a payment. Such as when there are grounds to suspect the payment presents a fraud risk. That might occur when a payment is significantly unusual or uncharacteristic compared to the normal use of the account.
- Looking at Mr M's account history, I'm not persuaded these payments appeared so uncharacteristic that Barclays ought to have suspected he was falling victim to a scam. They were over the course of a few days; they weren't particularly significant in value; and Mr M had previously made similarly sized (and larger) payments.
- I appreciate the distinction Mr M's drawn that these were to a cryptocurrency exchange, which he'd not used before. And I acknowledge payments of this nature carried an elevated risk. But, given the value of the payments and how they were broadly in keeping with Mr M's spending, I don't think it's enough to say the payments looked *significantly* uncharacteristic or risky.
- I've also considered his point that he'd fallen victim to a scam before. But this was some years before, so I'm not persuaded it's enough to change my mind.
- It follows that I don't consider it remiss that Barclays processed the payments in line with the instructions without completing further checks. Afterall, it must balance protecting Mr M from fraud with its corresponding duty to make the payments he tells it to in a timely manner.
- Mr M also raised how another bank refunded him for losses from a scam previously, so he's questioned why it's not the same here. While there are some protections in

place for victims in certain circumstances, it's not the case that banks are simply expected to refund victims of scams. Here, given these were authorised card payments, I'd need to see that Barclays are at fault for failing to stop them.

- I do appreciate how disappointing this will be for Mr M, who has clearly fallen victim to a horrible scam. But for the reasons I've explained, I don't think his losses can be attributed to something Barclays did wrong. So I don't uphold his complaint.

### **My final decision**

For the reasons given above, my final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 23 May 2024.

Emma Szkolar  
**Ombudsman**