

## **The complaint**

Mr L complains that National Westminster Bank Plc (“NatWest”) won’t refund over £74,000 he lost to an investment scam beginning in September 2022.

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 and have decided not to uphold it for the following reasons:

- It isn’t in dispute that Mr L authorised the disputed payments he made to his Coinbase and Kraken wallets from his NatWest account (where his funds were subsequently transferred on to the scammers from his crypto wallets). The payments were requested using his legitimate security credentials provided by NatWest, 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 NatWest should have done more to prevent Mr L 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 L has lost over £74,000, which is a significant amount of money. But this amount wasn’t paid in one large or ‘out of character’ transaction. It was spread over 11 separate payments which, in my judgment, would not have appeared particularly unusual or out of character when compared with Mr L’s spending history.
- I accept that some of the payments Mr L made were for significant amounts, with the largest being £20,000 on 15 December 2022. However, I can see that Mr L had previously made another £20,000 faster payment from his NatWest account in the month prior to the scam. So, the payments he later went on to make as part of the scam were not of such an amount that they would represent a significant deviation from the sort of payments Mr L had made before.
- The payments were also being made to legitimate cryptocurrency platforms, and I’m not persuaded there were any other significant risk factors present, such that NatWest ought to have regarded any of the payments as suspicious. I appreciate there were occasions where multiple payments were made in one day, such as three payments of £10 to Kraken on 19 December 2022. However, by this point Kraken was already an established payee on the account. And cumulatively, the total only amounted to £30, which wouldn’t have appeared unusual either.

- So, having considered the payments Mr L made to his crypto wallets, I'm not persuaded there was anything that ought reasonably to have triggered NatWest's fraud monitoring systems, or that would have indicated he was in the process of being scammed.

I appreciate this will likely come as a disappointment to Mr L, 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 NatWest 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 L to accept or reject my decision before 12 November 2023.

Jack Ferris  
**Ombudsman**