

The complaint

Ms B complains that Revolut Ltd (“Revolut”) won’t refund over £83,000 she lost to an investment scam beginning in August 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 for the following reasons:

- It isn’t in dispute that Ms B authorised the disputed payments she made to her cryptocurrency exchange platforms using her Revolut debit card (where her funds were subsequently transferred on to the scammers from those platforms). The payments were requested using her legitimate security credentials provided by Revolut, and the starting position is that firms ought to follow the instructions given by their customers in order for legitimate payments to be made as instructed.
- However, I’ve considered whether Revolut should have done more to prevent Ms B from falling victim to the scam, as there are some situations in which a firm should reasonably have had a closer look at the circumstances surrounding a particular transfer. For example, if it was particularly out of character.
- It’s accepted that some of the payments Ms B made were unusual given that they did trigger Revolut’s fraud prevention systems and were automatically blocked pending further enquiry – such as those made on 16 August 2022 and 17 August 2022. Accordingly, it’s just a question of whether Revolut went far enough in all the circumstances with its intervention.
- Revolut spoke to Ms B on 17 August 2022 through its in-app chat function. It asked her to confirm her identity, as well as whether anyone had asked her to download remote access software such as AnyDesk. It also asked her whether she had been advised to open the account or make the deposit by anyone, and whether she’d been contacted by phone or social media about the investment.
- Ms B told our service that she had been instructed by the scammer to download Any Desk. She also said the scammer had told her to open the Revolut account for the purposes of the investment, and had also directed her to make deposits into it before purchasing cryptocurrency. However, Ms B was not forthcoming with any of these details and answered ‘No’ to all of Revolut’s questions. It isn’t clear why Ms B wasn’t honest with Revolut, though I accept it’s possible she may have been coached by the scammer to lie if she was questioned about the payments. But I can see that Revolut also asked Ms B whether she’d been told to lie, which she said that she hadn’t.

- It was based upon these answers that Revolut was satisfied the payment wasn't likely being made as part of a scam. I accept that Revolut could have arguably gone further in its questioning, and should have also intervened in relation to some of the later larger payments Ms B made. But given it's clear that Ms B wasn't being honest with Revolut, I don't think any further probing or interventions would have likely revealed the scam in any event, because it seems more likely than not that she would have continued to provide misleading answers in order to make the payments. So, in these circumstances, I don't consider it would be fair and reasonable to hold Revolut liable for Ms B's loss.
- I also don't think there was anything more Revolut could've done to recover the money Ms B lost either. A chargeback claim would've had little prospect of succeeding, for example, given she would've received the asset she had purchased (i.e. the cryptocurrency).

I appreciate this will likely come as a disappointment to Ms B, and I'm sorry to hear she has been the victim of a cruel scam. However, I'm not persuaded that Revolut can fairly or reasonably be held liable for her loss in these circumstances.

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 Ms B to accept or reject my decision before 25 March 2024.

Jack Ferris
Ombudsman