

The complaint

Mr F complains Santander UK Plc didn't do enough to protect him when he fell victim to romance scams.

What happened

Mr F has a current account with Santander and has been a customer for [no] years.

Between March 2019 and October 2020 Mr F made just over twenty international payments to four different beneficiaries totalling over £20,000. Mr F reported some of these payments as a scam to Santander in June 2019 and May 2020. Santander said at the time that all of the payments had been made at branch, that Mr F had presented his card as part of its identification and security measures, and that the payments had been requested by him entering his PIN. In addition, Santander said that they were all international payments. For those reasons, Santander said it wasn't liable for any losses Mr F might have made.

In May 2023 Mr F, with the help of a representative, complained to Santander saying that it hadn't done enough to protect him when he'd fallen victim to romance scams. In particular, that Santander hadn't questioned him why he was making large international payments when he went into branch to do so. Santander looked into Mr F's complaint and said that it had done nothing wrong. Mr F complained to us. Santander said that Mr F's complaint about the earliest scam was out of time.

One of our investigators looked into Mr F's complaint and said that they didn't agree the complaint was out of time. They also said that didn't think it would have made a difference had Santander intervened earlier as Mr F believed at the time that he was in an established relationship and was making payments to his fiancé. So, they didn't recommend that his complaint be upheld.

Mr F's representatives were unhappy with our investigator's recommendations saying that had Santander intervened earlier on – as they say it should have done given that the payments Mr F was making were unusual in comparison to his normal account usage – then all of the scams could have been avoided. So, they asked for Mr F's complaint to be referred to an ombudsman for a decision. His complaint was, as a result, passed to me.

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.

I agree with our investigator that none of the payments Mr F is now complaining about took place too long ago for us to consider. I say that because Santander looked at claims Mr F raised in relation to these payments in 2019 and 2020 but didn't issue a final response until 2023. And Mr F brought his complaint to us within six months of that final response. I do, however, agree that these payments took place a long time ago – and from the evidence I've seen that the events that led up to some of these payments go back almost ten years. In this case, given how long ago some of these events took place, we've been unable to build a complete picture of what has and hasn't happened as a lot of evidence is now missing. But I'll try and set out the background as well as I can.

Mr F has told us that he divorced after 20 years – he's not said when – and that this left him very depressed and resulted in him taking six months off work. He's also told us that, in the hope of getting back to normal, he joined a dating website in July 2016. He's told us that he met someone in August 2016 – I'll refer to this person as "**Scammer One**" throughout the rest of this decision – and that they ended up deciding they'd get married. In other words, he's told us that he was in contact with Scammer One for almost three years when he made the first of the payments he's now complaining about. I agree with our investigator that because of this, it's unlikely than any intervention by Santander in March 2019 would have made a difference as Mr F would have explained that he'd been in a relationship with Scammer One for almost three years and that they were planning to marry. I agree that any warning that Santander might have given Mr F wouldn't have made him change his mind about sending money to Scammer One. So, even if I were to decide that Santander should have intervened, I agree that it wouldn't have made a difference and, in the circumstances, that it wouldn't be fair to hold Santander liable for losses Mr F suffered as a result of the payments he sent to Scammer One.

Mr F sent Scammer One just over £10,000 in March and April 2019 having been told Scammer One's daughter needed an operation. He sent another person just over £4,000 on 17 April 2019. I'll refer to this person as "**Scammer Two**" throughout the rest of this decision. That payment was to someone who Mr F believed was a "marriage broker" who was helping Mr F arrange his marriage to a second person he'd met online. The payment was for a marriage certificate, passport and insurance. The timing is unclear, but from what Mr F has told us he'd been in a relationship with this Scammer Two for two years at this point. In other words, he'd been in a relationship with Scammer Two since 2017. I don't think any of the other payments Mr F made – given the amounts involved – ought to have triggered an intervention from the branch staff at Santander. So, this £4,000 payment was, in effect, the last opportunity that Santander could have intervened. I don't necessarily agree that it was large enough to be unusual and, given that Mr F has told us he'd been in a relationship with this second person for two years and they were planning on getting married, I don't think an intervention would have made a difference in any event.

I accept that Mr F has been scammed out of a significant amount of money over the years. And I can see that Santander has provided him information on how to avoid scams in the future. He's clearly been taken advantage of. It wouldn't, however, be fair in this case to hold Santander liable for that as there was very little, if anything, it could have done to help.

My final decision

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 27 February 2024.

Nicolas Atkinson
Ombudsman