

## **The complaint**

Miss K complains that TSB Bank Plc (as the recipient bank) didn't do enough to prevent her losing money to an alleged scam.

Miss K has used a representative to bring her complaint. But for ease of reading, I'll mostly just refer to Miss K herself where I also mean the representative.

## **What happened**

The detailed background to this complaint is well known to both parties. So, I'll only provide a brief overview of some of the key events here. Miss K says that between January and July 2022 she made numerous payments to an account held with TSB. She says at the time she thought she would receive coaching and her money would be invested in trading currencies, but she later learned it was a scam. During the relevant period Miss K says she paid around £35,000 to the TSB account and received nearly £12,000 back. She says this still leaves her at a loss which she is seeking from TSB.

Miss K complained to TSB. She doesn't think they correctly onboarded their customer and she thinks they failed to appropriately monitor the account. TSB didn't think they'd done anything wrong and the matter was referred to our service. One of our Investigators didn't think we could consider all of Miss K's complaint. She explained that in relation to the opening of the account, Miss K wasn't an eligible complainant. And for what she could consider, she didn't recommend the complaint should be upheld.

Miss K disagreed, she still thought there were likely failures during both the onboarding process and in the monitoring of the account. She asked for an Ombudsman to make a decision. I've already issued a jurisdiction decision setting out what I can and can't consider within the rules that govern our service. In essence I said I could only consider TSB's actions on or after 31 January 2019.

## **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 and for similar reasons. I know this will be disappointing for Miss K, so I'll explain why.

I'm aware from the information on Miss K's linked complaint about her own bank 'H' from where she sent some of the funds to TSB that concerns were raised about the extent to which she had suffered a loss. This was because some of the money she sent on to the TSB account, was immediately after corresponding amounts had credited her account from a third party. However, as I'm not upholding this complaint or making an award, this isn't something I need to establish here.

Miss K's representative says there were multiple victims of the same scam and believes that hundreds of thousands of pounds must have moved through the TSB account. I can understand why, in hindsight, Miss K thinks that TSB should have done more in their monitoring of the recipient account. But all accounts are different and activity that might be unusual or exceptional for one, could be commonplace for another. The account that she paid was established and had been open for a number of years prior to her payments being made. And with regard to the way her payments arrived and were spent / transferred from the account, there was nothing so unusual, suspicious or potentially indicative of a fraud or scam such that I think TSB ought to have done more at the time.

Miss K has also suggested that the alleged scammer wasn't regulated to provide the services she was offering. Firstly not all investments require regulation, but more importantly, the account Miss K paid wasn't in the name of a limited company. And I wouldn't generally expect a bank to have direct involvement or oversight in the day to day business of those it provides accounts to. So where, as here, I don't think the account activity was markedly unusual or suspicious, this isn't something I'd have expected TSB to have investigated.

And even if I'm wrong on the above points and TSB ought to have intervened (at any point), part of Miss K's own evidence (from messages between her and the alleged scammer) shows that the alleged scammer held at least one other account with another bank at the relevant time. So even if TSB had asked questions of their accountholder and then not have been satisfied with any answer given and had gone as far as closing the account, it's most likely that the alleged scammer would have simply requested further payments into an alternative account. I don't think this would have resulted in Miss K discovering the alleged scam any sooner. In that situation I wouldn't fairly be able to say that even if there were a failure to monitor the TSB account, that this was causal to any loss suffered.

For completeness, I'm also satisfied that by the time TSB were on notice of a problem with the payments received from Miss K, none of those funds remained to be returned. So I can't say anything they did or didn't do at that point impacted on what might be returned.

### **My final decision**

For the reasons outlined above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss K to accept or reject my decision before 18 December 2024.

Richard Annandale  
**Ombudsman**