

## **The complaint**

Ms A complains National Westminster Bank Plc (“NatWest”) didn’t do enough to protect her when she fell victim to a safe-account scam.

## **What happened**

Ms A received a call from a scammer impersonating NatWest. She’s explained they spoofed its genuine number, which she checked at the time of the call, so she followed their instructions. She understood payments were being attempted from her bank account and so her funds were no longer safe. The scammer guided Ms A to open a new account with an Electronic Money Institution (EMI) and move funds from her NatWest account into this account. These funds were then lost to the scammer.

Ms A reported the scam to NatWest and the EMI, but neither upheld her complaints. NatWest said that as Ms A had sent the funds herself to an account in her own name, it couldn’t help her. And that it had stopped three of the payments, but she’d approved them to be made. Ms A came to our service, but our investigator didn’t uphold her complaints. She asked for an ombudsman to review her cases.

## **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 taken into account longstanding regulatory expectations and requirements, and what I consider to be good industry practice, I agree NatWest ought to have been on the look-out for the possibility of fraud and made additional checks before processing payments in some circumstances.

NatWest did find three of Ms A’s payments suspicious as it paused them to make some further automated enquiries. This involved sending Ms A a text message asking her to confirm if she was making the payments, which she confirmed she was. It also provided Ms A with a warning when she set up her EMI account as a new payee and this specifically related to impersonation scams like the one she was experiencing.

Looking at the pattern of the payments being made, I think NatWest ought to have recognised that Ms A was at heightened risk of financial harm from fraud, as it would be unusual for someone to send so many smaller payments in such a short space of time. But I don’t think any proportionate intervention by NatWest would have prevented Ms A’s loss. I’ll explain why.

As above, Ms A was the one approving the payments, so when NatWest checked it was her accessing the account and making the payments, she confirmed it was. This kind of pattern might be more commonly associated with someone stealing someone else’s card or account details, so asking for approval on the genuine user’s mobile phone would stop this kind of scam.

NatWest also displayed a warning to Ms A which directly related to her situation when she set up the EMI account as a new payee. But she's explained that the scammer advised her to ignore any warnings, so she didn't take note of this. Considering the frequency of the payments it's arguable that NatWest could have displayed another warning, but by Ms A's own testimony, she would've ignored the content of this as she did the first warning, so this wouldn't have prevented her loss.

As our investigator concluded, it therefore doesn't seem that NatWest was in a position to proportionately prevent Ms A's losses here. Ms A acted under the scammer's instructions to move the money to the EMI and out of it. She ignored a relevant warning because of these instructions and unblocked her account with the EMI too when it stepped in. So she trusted the scammer above any information presented to her, stopping NatWest from preventing her losses.

Our investigator did go on to explain their thoughts around Ms A's contributory negligence, but as I'm in agreement with their findings that NatWest couldn't have prevented this loss, I don't consider I do need to make a finding on this.

As Ms A moved the funds from her NatWest account to her own EMI account under her control, her transactions don't benefit from the Contingent Reimbursement Model. And there weren't other ways for NatWest to recover her funds, as they did successfully credit her EMI account and then were lost from there to the scammer.

I recognise Ms A has been the victim of a cruel scam, but I don't consider NatWest could've prevented her losses in this case.

### **My final decision**

For the reasons set out above, I don't uphold Ms A's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms A to accept or reject my decision before 13 January 2025.

Amy Osborne  
**Ombudsman**