

**The complaint**

Miss K complains that Santander UK Plc (Santander) won't refund money she lost in a job scam.

**What happened**

*What Miss K says:*

Miss K was looking to earn some extra money and was contacted by someone about a job opportunity. The job was to complete optimisation of tasks – to provide online reviews of products, to increase their ratings and appeal. To do this, she had to complete a minimum number each day and then commission would be paid. But – she had to pay in money to a crypto wallet, and from there buy crypto currency in order for the commission to her to be paid.

At first, she got three credits/profit – so the scheme looked genuine. She was therefore encouraged to pay in further money. But then she was asked to pay 25% tax, which she paid; and then a further 25% of her fund if she wanted to get money out. The scammers said they were closing the platform at the end of November 2023, so she had to pay more money, or lose everything she'd paid. She didn't pay the last amounts as she realised she was being scammed - and contact then stopped. **(continued)**

The payments she made were:

<b>Date</b>	<b>Payment</b>	<b>Amount</b>
30 June 2023	Faster payment to crypto wallet in Miss K's name	£65

2 July 2023	Faster payment to crypto wallet in Miss K's name	£404
2 July 2023	Faster payment to crypto wallet in Miss K's name	£50
2 July 2023	Faster payment to crypto wallet in Miss K's name	£30
3 July 2023	Faster payment to crypto wallet in Miss K's name	£1,125.60
3 July 2023	Faster payment to crypto wallet in Miss K's name	£199.50
3 July 2023	Faster payment to crypto wallet in Miss K's name	£300.51
3 July 2023	Faster payment to crypto wallet in Miss K's name	£300
28 July 2023	Faster payment to crypto wallet in Miss K's name	£95
14 September 2023	Faster payment to crypto wallet in Miss K's name	£1,266.72
16 September 2023	Faster payment to crypto wallet in Miss K's name	£1,638
10 October 2023	Faster payment to crypto wallet in Miss K's name	£413.95
26 October 2023	Faster payment to crypto wallet in Miss K's name	£1,000
6 November 2023	Faster payment to crypto wallet in Miss K's name	£570.67
<b>Total</b>		<b>£7,458.95</b>

Miss K says Santander should've done more to protect her. She says the bank should refund at least some of the larger payments, which were out of character for her. The only large payment she made from her account was a regular payment for her rent.

*What Santander said:*

Santander said the payments were properly authorised by Miss K in online banking. A one-time passcode was sent to Miss K and she used it to verify the payments. They weren't covered by the Contingent Reimbursement Model (CRM) code as they were sent to an account in Miss K's name.

*Our investigation so far:*

Our investigator didn't uphold Miss K's complaint. He said the payments weren't unusual for Miss K to make, so those made as a result of the scam couldn't be considered as suspicious by the bank.

Miss K asked that an ombudsman look at her complaint, and so it has come to me to make a final 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.

I'm sorry to hear that Miss K has lost money in a cruel scam. It's not in question that she authorised and consented to the payments in this case. So although Miss K didn't intend for the money to go to a scammer, she is presumed to be liable for the loss in the first instance.

So, in broad terms, the starting position at law is that a bank is expected to process payments and withdrawals that a customer authorises it to make, in accordance with the Payment Services Regulations and the terms and conditions of the customer's account. And I have taken that into account when deciding what is fair and reasonable in this case.

But that is not the end of the story. Taking into account the law, regulators rules and guidance, relevant codes of practice and what I consider to have been good industry practice at the time, I consider Santander should fairly and reasonably:

- Have been monitoring accounts and any payments made or received to counter various risks, including anti-money laundering, countering the financing of terrorism, and preventing fraud and scams.
- Have had systems in place to look out for unusual transactions or other signs that might indicate that its customers were at risk of fraud (among other things). This is particularly so given the increase in sophisticated fraud and scams in recent years, which banks are generally more familiar with than the average customer.
- In some circumstances, irrespective of the payment channel used, have taken additional steps, or make additional checks, before processing a payment, or in some cases declined to make a payment altogether, to help protect customers from the possibility of financial harm from fraud.

I need to decide whether Santander acted fairly and reasonably in its dealings with Miss K when she made the payments, or whether it should have done more than it did. I have considered the position carefully.

The Lending Standards Board Contingent Reimbursement Model Code (CRM Code) provides for refunds in certain circumstances when a scam takes place. But – it doesn't apply in this case. That is because it applies to faster payments made to another UK beneficiary – and in this case, the payments were made to Miss K's own account with – her crypto wallet.

The important matter here is whether this was a payment that Santander might reasonably have considered unusual, and therefore whether they should've held or stopped the payments and contacted Miss K about them.

I looked at Miss K's account history with Santander. It's reasonable to say that in the period leading up to the scam, she did make regular payments of similar, or larger amounts than the payments in question. For example:

June 2023: £300, £1,000, £1,000, £2,800.  
May 2023: £478, £300, £230, £1,000, £765, £883.  
April 2023: £900, £4,000, £4,000, £300, £2,300.  
March 2023: £900, £300, £1,099, £1,099, £1,500.  
February 2023: £2,000, £300, £910.

So – I consider the payments made to Miss K's crypto wallet weren't sufficiently unusual to expect Santander to have intervened and contacted Miss K.

And – also there's a balance to be made; Santander has certain duties to be alert to fraud and scams and to act in their customers' best interests, but they can't be involved in every

transaction as this would cause unnecessary disruption to legitimate payments. And here - these were also payments and for relatively low amounts.

Therefore, in this case, given all of this, I think Santander acted reasonably in processing the payments – I don't think that I could reasonably say that Santander should have stopped the payment for further checks.

*Recovery:*

We expect firms to quickly attempt to recover funds from recipient banks when a scam takes place. I looked at whether Santander took the necessary steps in contacting the bank that received the funds – in an effort to recover the lost money. I couldn't see that they'd contacted the provider of Miss K's crypto wallet – but I'm persuaded that had they done so, no funds would've remained – as she'd moved them to buy the crypto currency as the scammers had directed.

I'm sorry Miss K has had to contact us in these circumstances. I accept she's been the victim of a cruel scam, and has lost a lot of money, but I can't reasonably hold Santander responsible for her losses.

**My final decision**

I do not 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 29 July 2024.

Martin Lord  
**Ombudsman**