

Ombudsman Decision**CIFO Reference Number: 24-000448****Complainant: Mr F****Respondent: Barclays Bank Plc Jersey****Background and Initial Conclusions**

Mr F paid money to a fraudster having been contacted on What's app by someone pretending to be his mother. To settle the complaint he would like the bank to refund the money to his account.

In my initial assessment I did not recommend that the complaint be upheld. I was satisfied that Mr F had properly authorised the payment and that the online fraud warning included in the payment process was sufficient to alert him to the possibility of fraud. I did not consider that the bank needed to do more on this occasion.

Subsequent Submissions

Mr F, through his representative, asked me to review my conclusion. He pointed out that he contacted the bank very soon after he'd made the payment and, in his view, it should have done more to either stop the payment or recover the money. In response to what the bank said about call timings he said it took him 30 minutes to get through when he telephoned to report his concerns.

¹ Financial Services Ombudsman (Jersey) Law 2014 Article 16(11) and Financial Services Ombudsman (Bailiwick of Guernsey) Law 2014 Section 16(10)

My Findings

I have carefully considered all that you and Barclays Bank have provided to decide what is fair and reasonable in the circumstances of the complaint.

Mr F is right he contacted the bank very soon after he made the payment on 4 May 2024. The original complaint submission included a discrepancy and suggested that it wasn't until a few days later that he managed to speak with his mother and discovered that he had been the victim of fraud.

That said it remains my view that the on-line fraud warning was sufficient to alert him to the possibility of fraud and that there was no general duty on the bank to intervene when it received the instructions for the single payment and nor was there any flag which would have led me to conclude that intervention was reasonable on that occasion. The payment was to a new beneficiary, but the 'confirmation of payee' process was successful, and the payment was not, in my view, sufficiently unusual or out of character to warrant intervention.

I have looked further at the timing point. Mr F has suggested that there was sufficient time for the bank to intervene once he called and that it took him some time to get through and speak to someone. It logged the call about the possible scam at 13.04 which was 67 minutes after he completed the payment. The bank raised the matter with the beneficiary bank at 14.01 which replied that only £10.89 remained in the account.

The call service level provided by the bank is disappointing and not ideal where time of response to an issue is a factor. But I am not persuaded that the delay is necessarily material. It is, of course, possible that had the bank alerted the beneficiary bank earlier more money would have remained but that is not certain and it's a feature of scam activity that money is quickly removed by fraudsters. I asked for, but did not receive, information about the exact timing of the withdrawal but have concluded, on balance, that the money was quickly removed.

I have also noted that it took the bank just under an hour to contact the beneficiary bank which is not out of line with best practice in the UK (albeit that this activity took place in Jersey rather than the UK).

I am mindful that this was a payment initiated and authorised by Mr F and that he acknowledged the fraud warnings issued by the bank during the payment process. The fact that the fraudster was able to persuade him to make the payment was the primary reason for the loss rather than the failure to retrieve the money. Unfortunately, there is no recall or dispute process for this type of payment (unlike, for example, a card

payment). I have sympathy for Mr F, who has been the victim of fraud, it is my conclusion that in the circumstances the bank is not liable to return the money to him.

Final Decision

My final decision is that I do not uphold this complaint.

Clare Mortimer
Ombudsman

Date: 3 February 2025

