

The complaint

Mr A complains about the service he received from HSBC UK Bank Plc (HSBC) when trying to trace a cheque that was paid from his account.

What happened

Mr A paid a cheque of £10,000 to a third party in January 2007. In 2021 the beneficiary told Mr A they hadn't received the funds as the cheque had bounced. Mr A checked his account and could see the £10,000 had debited his account on 30 January 2007. So, he contacted HSBC, asking them to provide him with a copy of the cheque, so he could show who it had been paid to.

HSBC told Mr A there would be a fee, but they could request a copy of the cheque for him. Mr A told HSBC he would like to collect the copy from a branch as he didn't want it sent to his home address. HSBC made the request for a copy of the cheque through their normal process but due to the passage of time they no longer held the information. HSBC didn't tell Mr A this at the time and let him make the same request on multiple occasions, letting him visit the branch thinking he could collect it, until he complained at the lack of progress with his request.

HSBC responded, letting him know they no longer had a copy of the cheque, and they couldn't tell him who it was paid to or what bank or building society the funds were credited to, nor give him an account number. They did, though, confirm that the cheque had debited his account and there was no indication that it had been returned unpaid, they were also able to confirm the cheque number. HSBC also offered Mr A £100 for allowing him to continue to make a request for a copy of the cheque when they knew they didn't have it.

Mr A brought his complaint to this service as he felt he had been given the "run-around" and HSBC should have told him earlier that they couldn't help him.

HSBC believed Mr A's complaint was out of time and so didn't think we could consider it.

Our investigator said the complaint was one we could consider and went on to make findings on the merits of Mr A's complaint in the same assessment. The investigator didn't think the complaint should be upheld, he accepted there were things HSBC could have done better but thought the £100 compensation already awarded was fair and in line with our approach. The investigator also told Mr A there was an originating sort code on HSBC's system, showing which bank the cheque had been paid in to.

Mr A didn't agree with the investigator's findings specifically, he said he was dissatisfied with the whole process and the length of time it had taken HSBC to deal with his complaint. He said he had not received or agreed to the £100 HSBC had offered, and that his complaint was not about compensation as he wasn't looking for any. He asked for an Ombudsman to review the case and wanted the following points considered:

- HSBC's communication

- Why wasn't the detail of the originating sort code given to him earlier – was HSBC trying to hide this from him
- HSBC should be told to keep their customers happy

HSBC asked for an ombudsman's thoughts on the jurisdiction matter when deciding the case. On 24 November 2022, I issued a decision saying the case was one we could consider as I didn't think it was time-barred.

As the investigator has previously issued findings on the merits of the case and both parties have had an opportunity to comment on them, I will now go on to decide the merits.

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 realise that I've summarised this complaint in less detail than the parties and I've done so using my own words. I've concentrated on what I consider to be the key issues. The rules that govern this service allow me to do so. But this doesn't mean that I've not considered everything that both parties have given to me.

Having read and considered the whole file, I've reached the same outcome as the investigator and for broadly the same reasons. I'll explain, but in doing so I'll keep my comments to what I think is relevant. If I don't comment on a specific point, it's not because I haven't considered it but because I don't think I need to comment on it in order to reach the right outcome.

Complaint handling isn't a regulated activity and not something that falls within this service's jurisdiction. As such it's not something we have the power to consider, so I haven't commented on Mr A's point about the length of time HSBC took to deal with his complaint.

HSBC no longer have a copy of the cheque Mr A was requesting and due to the passage of time that's not unreasonable. So, what I must decide here is did HSBC communicate that in an efficient way to Mr A. Initially they put forward his request to the relevant department who were able to tell him relatively quickly they no longer held the information he sought.

However, following this communication, HSBC allowed Mr A to continue requesting information they knew they simply could not provide. This led to protracted calls and unnecessary requests being made, where Mr A assumed he would be receiving the information. I appreciate the staff members Mr A spoke to were only trying to help when putting through the requests, but this led, understandably, to confusion for both parties and frustration for Mr A. It was because of this that HSBC offered £100 in compensation. When considering if the offer is fair, I've also taken into account HSBC had already told Mr A they no longer held the information, so he did have a part to play in continuing to request it. As such I think £100 is a fair offer in the circumstances.

HSBC were aware of the reason Mr A wanted a copy of the cheque and were able to give him some details that were still held on their systems, such as the date the cheque debited his account, the cheque number and confirmation that the cheque wasn't returned unpaid or "bounced". The letter they sent to Mr A with these details said they could not confirm the bank or building society the cheque was paid into – this isn't strictly true.

I've seen evidence from HSBC's systems showing an originating sort code – this is an identifying number for the bank or building society where the cheque was cleared. It doesn't

identify the branch where the cheque was deposited or the account the cheque was credited to. So, while I accept it may have been helpful for Mr A to know which bank or building society the cheque had been paid to, it wouldn't have given him any more insight into if the beneficiary of the cheque had received the funds. So, I can see why HSBC didn't think it was relevant and I don't think they deliberately held back information from Mr A. It follows, I don't think they needed to do anything differently here.

Mr A has told us that he doesn't want compensation as that's not what he was seeking by bringing his complaint. But I don't think the outcome he is seeking is something that's possible for this service to award. The copy of the cheque is no longer held by HSBC, so there is nothing more I can require them to do to help him find the answers he is looking for. HSBC have accepted they could have done better when communicating this to Mr A, and I can't change what's happened here, save to say the offer of compensation is fair. And finally, Mr A would like HSBC to be told they should keep their customer's happy – but this isn't something I can direct HSBC to do. My role here is to look at Mr A's individual case, only, and for the reasons already explained I'm satisfied in his case HSBC have done what they could to help him by sharing the information they do hold. And where they could have done better, they have accepted this and made a fair offer of compensation.

I appreciate that this probably isn't the outcome Mr A was hoping for and realise that he may well be disappointed. But my decision ends what we – in trying to resolve his dispute with HSBC – can do for him.

Putting things right

HSBC should now pay Mr A, on his acceptance, the £100 they offered to him in their final response letter.

My final decision

For the reasons set out above, my final decision is that I uphold Mr A's complaint about HSBC UK Bank Plc and now require them to put things right as described above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 28 December 2022.

Amber Mortimer
Ombudsman