

The complaint

Miss S complains HSBC UK Bank Plc didn't do enough to protect her when she fell victim to a job scam.

What happened

Miss S has an account with HSBC.

Miss S says she came across an advertisement on a well-known social media platform about earning extra money at home. She says she downloaded an app from her mobile phone's app store and signed up – she didn't click on any links. She says she was told she could earn money by liking videos on various websites and that she started to do so. However, she was unable to withdraw her earnings when she tried to do so. Miss S says she realised at this point that she'd been scammed.

Miss S contacted HSBC and asked for help recovering her money. She says that she had to keep on repeating herself and was asked to fill in several dispute forms all of which came to nothing. Miss S complained.

HSBC looked into Miss S's complaint and said that it couldn't raise a chargeback based on her claim that she'd been scammed. Miss S was very unhappy with HSBC – not least because she knew of another HSBC customer who had fallen for the same scam but had been refunded. So, she complained to our service.

One of our investigators looked into Miss S's complaint and said that HSBC would only be expected to raise a chargeback if it had a reasonable prospect of success and given the evidence Miss S had supplied hers didn't. Our investigator also said that the payments that Miss S was complaining about weren't sufficiently unusual compared to her normal account usage to have warranted HSBC intervening.

Miss S was very disappointed with our investigators recommendations and ultimately gave details of the other customer who had got a refund. Our investigator attempted to mediate but wasn't successful. So, Miss S asked for her complaint to be referred to an ombudsman for a decision. Her complaint was, as a result, passed to me.

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 can see that Miss S made four payments to a website in June and July 2022 – totalling around £2,000. HSBC has said that the merchant to whom the payments went sells clothes and miscellaneous items and that there's nothing to link the payments Miss S wants refunding and the scam that she's complained about. That's important because if HSBC were to take steps to recover the payments Miss S has sent it would need to show that they're linked to a scam – otherwise the chargeback would almost certainly fail.

Miss S has sent us evidence that suggests she has been the victim of a job scam – she describes some of the hallmarks of such scams. However, victims normally have evidence linking payments they've made to the scam they've fallen victim to. For example, messages from the scammers giving details of where to send payments to – often to a cryptocurrency wallet. Miss S hasn't been able to provide evidence like that in this case – other than her statements showing she made the payments to the merchant in question and the fact that the merchant's website has since been taken down. That could well be because she made the payments entering her details on a payment screen that appeared in the app she was using, so she was never sent the details of where the payment should go or wasn't able to make a record of this. But I can see why that means in this case HSBC decided not to raise a chargeback and given that it didn't have the evidence it would have needed I don't think that was unreasonable or unfair.

HSBC ought to have intervened and asked questions if the payments appeared to be unusual or out of character – suggesting that Miss S was at risk of harm. In this case, however, I don't think they were. So unfortunately for Miss S that doesn't help her either.

I can see that Miss S feels HSBC might not have helped her because of her name, or other considerations that should have no relevance. I can understand why she feels this way given that she knows someone else who fell for the same scam who got a refund without any questions. I've looked into this, and I'm satisfied that HSBC's decision wasn't motivated by anything untoward like that. I hope that helps Miss S put this behind her, but I appreciate it may not do.

My final decision

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision before 30 March 2024.

Nicolas Atkinson
Ombudsman