

## **The complaint**

Mr M complains that HSBC Bank Plc didn't do enough to protect him when he fell victim to a scam.

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat them in full here. Instead, I'll summarise what happened and focus on giving the reasons for my decision.

In March 2023, Mr M made three payments from his HSBC account across a period of around six days, totalling £24,000, to what he believed at the time to have been an investment. HSBC provided a pop-up warning to advise that it wasn't able to check the name on the account and to confirm the details before proceeding but didn't intervene beyond this. So, Mr M believes it failed in its duty of care.

HSBC didn't uphold the complaint. It said the funds had gone to Mr M's own account and that it had given a warning message.

Our investigator considered the complaint. She didn't think the payments would have appeared particularly unusual or suspicious, considering Mr M's previous payment activity. So, she didn't think HSBC ought to have intervened before processing the payments. She didn't consider it had missed an opportunity to identify that the payments were being made in relation to a scam.

Mr M disagreed, so the complaint was passed to me.

I got in touch with Mr M informally, as our rules allow, to set out how I was minded to proceed. I explained that the disputed payments wouldn't have stood out as unusual or uncharacteristic due to other spending on the account and highlighted an instance where Mr M had made 22 genuine payments to multiple recipients in one day, totalling over £20,000.

I also noted that the disputed payments weren't identifiably made to cryptocurrency and that, following these payments, there was a substantial balance remaining in the account. So, on the basis of previous spending, usual account activity, and the balance of the account, I wouldn't have expected HSBC to intervene. As a result, I wasn't minded to uphold the complaint.

Mr M, via his representative, disagreed but I haven't been provided with anything further for consideration. So, I'm now issuing my 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.

Having taken into account longstanding regulatory expectations and requirements, and what I consider to be good industry practice, I agree HSBC ought to have been on the look-out for the possibility of fraud.

I've reviewed Mr M's account and the payments he made to the scam. Having considered when they were made, their value, who they were made to, and, crucially, previous spending on the account, I'm not persuaded HSBC ought to have found any of the payments suspicious, such that it ought to have made enquiries of Mr M before processing them.

While Mr M has been the victim of a cruel scam, I don't find there were any failings on HSBC's part that would lead me to uphold this complaint.

### **My final decision**

For the reasons given, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 15 January 2025.

Melanie Roberts  
**Ombudsman**