

The complaint

Mr W complains that HSBC UK Bank Plc won't refund the full amount of money he lost to a scam.

What happened

Mr W says that he sent £8,750 as part of a recovery scam - after previously falling victim to an investment scam.

When Mr W discovered he had lost his money, he raised a complaint with HSBC.

HSBC looked into the complaint and found it could have done more to prevent the scam - so it offered Mr W 50% of the money he lost. HSBC didn't agree to refund the full amount, as it said Mr W should be held jointly liable for the loss.

Mr W thought he should be refunded the full amount. So, he brought a complaint to our service.

Our investigator looked into the complaint and found the offer to be fair.

As Mr W didn't agree with the investigator's view, the complaint has been passed to me to decide.

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 very aware that I've summarised this complaint briefly, in less detail than has been provided, and in my own words. No discourtesy is intended by this. Instead, I've focussed on what I think is the heart of the matter here. If there's something I've not mentioned, it isn't because I've ignored it. I haven't. I'm satisfied I don't need to comment on every individual point or argument to be able to reach what I think is the right outcome. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts.

Where the evidence is incomplete, inconclusive, or contradictory, I must make my decision on the balance of probabilities – that is, what I consider is more likely than not to have happened in the light of the available evidence and the wider surrounding circumstances.

It's worth noting that Mr W hasn't supplied any evidence he was asked by a scammer to send any money. Mr W has sent evidence of one of his crypto wallets, but this was connected to the investment scam and not the recovery scam this complaint is about.

Mr W's representative has said the scam was completed over the telephone, and that's why there is no evidence available. I have considered this point carefully, but it's unusual for a scammer to give wallet addresses over the telephone given their complex structure. Mr W also hasn't supplied any information to show he has attempted to get access to the wallet

the money was sent to – so I'm unable to establish the loss Mr W says he has suffered.

Having said that, I have gone on to consider whether I consider the refund HSBC have provided is fair in the circumstances.

I've thought carefully about whether it would be fair and reasonable to hold Mr W partially responsible for the loss he has suffered. And on balance, in the individual circumstances of this case, I've decided Mr W should bear some responsibility for the loss. I'll explain why.

- Mr W says he googled the company the scammer was pretending to be from. A quick internet search finds the legitimate company and recovery of lost investments/cryptocurrency isn't something it offers. And so, if Mr W checked this, it would've been reasonable for him to question the legitimacy of the opportunity.
- If you search the legitimate company, the second search that comes back is the Financial Conduct Authority (FCA) page advising this company has been cloned.
- Mr W was being asked to pay in cryptocurrency to release money he lost. This is highly unusual and similarly ought to have given Mr W reason to question the legitimacy of the firm and the recovery opportunity.
- The amount Mr W was being asked to pay was a significant percentage of the money he lost. It is also unusual to have to pay money to receive money back.

In summary, in isolation I can understand how one of these points on their own might have been believable, but the combination of factors should have meant Mr W proceeded with more caution than he did, like speaking with an IFA, his bank or a family member. He could have also carried out more research into these types of recovery opportunities online.

If he had done so, I think the scam would've most likely been uncovered and his losses prevented. For this reason, I think Mr W didn't do enough to protect himself from falling victim to a scam.

I've explained in Mr W's linked decision why I don't think any intervention by the firm would have prevented Mr W sending the payments to the scam. Mr W wasn't accurate with the responses he gave to the firm's intervention and I've not seen anything to suggest with any certainty that he would have been more accurate had HSBC asked for details about this payment. So, as HSBC have refunded more than I would have awarded, I'm satisfied 8% doesn't need to be added to the total.

I understand Mr W's representative has said he was vulnerable at the time. I am sorry to hear of the challenges Mr W is facing. Having considered this, I'm satisfied, this point falls away at the point HSBC have admitted it ought to have intervened. So, it wouldn't impact the outcome here.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 13 February 2026.

Tom Wagstaff
Ombudsman