

## **The complaint**

Mr R's complaint is that when he went into a branch of HSBC UK Bank Plc to carry out a transaction he was made fun of and laughed at.

To settle the complaint Mr R would like HSBC to pay compensation and retrain its staff.

## **What happened**

On 1 July 2024 Mr R contacted HSBC to raise a complaint. He said that he'd gone into a branch on 28 June 2024 to pay some money into his account. Mr R said that while he was waiting in line, staff laughed at and made fun of him, causing him distress and making him feel uncomfortable, so he left.

HSBC investigated Mr R's complaint, but wasn't able to uphold it. The bank said that staff had no recollection of Mr R's visit to the branch. As a result, there was insufficient evidence to find in Mr R's favour.

Dissatisfied with HSBC's response, Mr R complained to our service. An Investigator looked into what had happened. However, with conflicting evidence about the incident, the Investigator explained that she wasn't able to uphold the complaint.

Mr R asked for an Ombudsman to review the Investigator's findings.

## **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've looked carefully at what Mr R has told HSBC and our service. Having done so, I'm afraid I have disappointing news for Mr R – I'm not upholding his complaint. These are my reasons.

First of all, I have to reach my decision based on the available evidence, which in this case is contradictory. On the one hand, Mr R is adamant that he was laughed at by branch staff. On the other hand, HSBC says that branch staff have no recollection of Mr R visiting the branch on 28 June 2024. However, HSBC has confirmed that staff all receive training in diversity, inclusion and disability awareness. In addition, the branch manager has stated that he has a mature, experienced staff and is confident they would not mock any customer in the way Mr R has claimed happened to him.

As the party bringing the complaint, it falls on Mr R to show, on the balance of probabilities, that it's more likely than not that staff in the branch laughed at and made fun of him on 28 June 2024. That test – more likely than not – is critical here, because equally likely is not enough for me to find in his favour.

On 1 July 2024 when he first raised the issue with HSBC over live chat, Mr R said he'd been into the branch the previous Friday, which would have been 28 June 2024. However, Mr R

told us that the incident occurred on 30 June 2024, which is a Sunday, when the branch would have been closed.

Mr R's account records show no payment made into his account at that specific branch on 28 June 2024. Mr R says that this is because *"the staff made fun of me so I walked out"*. HSBC denies this happened and the branch manager refutes that his staff would do this.

Overall, after considering the evidence, I'm unable fairly to conclude that Mr R has passed the *"more likely than not"* test. I know this isn't the outcome Mr R was hoping for, and I don't underestimate his strength of feeling. However, I have to be objective and impartial, and review the case on the basis of the evidence, without being swayed by emotion.

Having done so, the evidence doesn't persuade me that the complaint should be upheld.

### **My final decision**

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

This final decision concludes the Financial Ombudsman Service's review of this complaint. This means that we are unable to consider the complaint any further, nor enter into any discussion about it.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 2 January 2025.

Jan O'Leary  
**Ombudsman**