

The complaint

Mrs S complains about HSBC UK Plc and its role in financial abuse that she has suffered and unsatisfactory court cases concerning her housing and family she has been involved in.

What happened

Mrs S said she suffered a breakdown following economic abuse in 2015 and suffered from suicidal depression. This continued for some time during family court cases and housing crises. Mrs S said HSBC were very involved as a party during these court cases in 2016-2017 as they hold her main bank account.

Mrs S said a rushed solution was brought about by law firms and *'every solution was according to the perpetrator parties like HSBC opinion and conjecture'*. She said she had to comply with the court outcomes but by 2022 she had recovered from previous incapacities and complained to HSBC. She said HSBC wouldn't accept her complaint as they were fixated on the version that was supportive to their position and interests.

In 2024 Mrs S complained again about HSBC's involvement in previous outcomes. She said HSBC lacked accountability and responsibility for its past involvement and should have listened to the impact on her. She said HSBC doesn't take her financial vulnerability seriously. Mrs S said in 2022 HSBC should have agreed to the *'available compromise'* or at least the *'care package'* that she requested to meet her medical, legal and housing needs.

HSBC said it's not clear what the complaint is, but it was raised during a call between Mrs S and its underwriter in July 2024, where it declined an overdraft limit increase. HSBC said the application for an increased overdraft to £500 didn't meet its internal Credit Scoring System, as the proposed total expenditure was higher than the recommended level.

Mrs S referred her complaint to our service, saying *'My fee for HSBC to remove themselves and only themselves as a party from my prosecution case as a criminal party is 888K.'*

Our investigator didn't recommend the complaint be upheld. Although Mrs S thought HSBC should have taken responsibility for the harm it caused, and its misconduct and should have agreed to a care package, she hadn't provided any detail of HSBC's involvement. He said we aren't the financial regulator and so we can't punish a business. He also explained that events from 2016/17 were outside of the six-year time-limit for bringing complaints.

Mrs S responded that HSBC had no direct involvement in the housing/family court case from 2016-2017 but was involved metaphorically – because it was her bank and was a significant part of her life. She understood HSBC's decision not to increase her overdraft as its general policy but wanted HSBC to make exceptions for her.

Our investigator said we couldn't expect HSBC to make exceptions to its lending policy for Mrs S. He said Mrs S was also unhappy at an HSBC email detailing her right to refer her complaint to our service within six months. He said this is wording HSBC is required to provide to complainants in writing.

Mrs S said this was an unfair outcome and requested an ombudsman review her complaint. She set out in great detail the emotional and *'loving relationship'* forced on her by HSBC that allowed it to serve its own interests. Mrs S said HSBC's abusive harm is a criminal matter.

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 was sorry to learn about the acute distress Mrs S has suffered over the years and wish her well in her recovery. I thank her for the detailed medical and other evidence she has provided.

Mrs S accuses HSBC of traumatising and not helping her and instead made her feel trapped in helplessness and despair. She said she wants our service to use power and sanctions where HSBC have failed to take helpful actions towards her, in particular towards her care package proposals.

Both HSBC and our investigator are unclear as to what Mrs S's complaint is about. Mrs S has set out the details of her life over the last ten years in some detail and sent supporting information from other parties. But despite many descriptions of the complaint by Mrs S I am also unclear what the actions or inactions of the bank have been that have led to her complaint, or how HSBC has been involved in the events of her life.

However, from what Mrs S has said she seems to think HSBC was involved in a housing/family court case in 2016-2017. I understand the court case, and HSBC's perceived involvement, caused her stress and anxiety. Mrs S said, *'This relationship with HSBC was experienced like a cult in that I could not make other relationships because I always had to focus on HSBC and the engagement they required of me'*.

HSBC has provided contact notes for 2022 but hasn't located anything by way of a complaint raised by Mrs S and I haven't seen anything to indicate Mrs S complained then. This means in the absence of exceptional circumstances her complaint about HSBC's involvement in court cases from 2016/17 is out of time.

I haven't considered whether Mrs S had exceptional circumstances for the delay in raising her complaint because she has told us latterly HSBC had no direct involvement on the court cases. I haven't seen any evidence or reason that HSBC would have been involved in the court cases and so I have no reason to uphold Mrs S's complaint about the impact of HSBC's actions in relation to the court cases. And I haven't seen anything to suggest a distorted or overly *'emotional relationship'* between Mrs S and HSBC that could be dangerous to her.

I have considered if Mrs S's complaint issue stems from a call with HSBC's underwriter in July 2024. Although Mrs S has said it's not about that but everything before then and she accepts it's HSBC's policy not to increase her overdraft limit, this was her first complaint and made contemporaneously to the call.

During this call HSBC declined an overdraft limit increase Mrs S requested from £300 to £500 and she complained. Mrs S mentioned being unhappy about HSBC's decision to decline the overdraft increase and asked HSBC to make exceptions for her. I agree with the investigator that it wouldn't be a reasonable approach for our service to require HSBC to make an exception to its lending policy for Mrs S. To do so could risk Mrs S being in receipt of unaffordable lending.

I also agree with the investigator about HSBC's complaint response. The wording concerning referral rights is as required of banks by their regulator, the Financial Conduct Authority and must be in writing. I am sorry that this was upsetting to Mrs S, but HSBC has followed the proper guidelines here.

Mrs S has said HSBC failed to comply with her *'care package'*. I think she is referring to this as part of her *'complex complaint case'* as funds she needs to resolve legal and medical issues. I haven't found any misconduct or actions taken in error by HSBC with regard to a care package.

Mrs S said that she plans to take legal action against HSBC if our service isn't able to provide a satisfactory resolution to the matter. Because I haven't found any error by HSBC or indeed any direct involvement in the events to which Mrs S has referred, I am unable to uphold her complaint. By rejecting this decision all options remain open to her.

My final decision

For the reasons I have given it is my final decision that the complaint is not upheld.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S to accept or reject my decision before 24 February 2025.

Andrew Fraser
Ombudsman