

## **The complaint**

Mr K complains about the advice he received and his customer service experience whilst making a complaint to HSBC UK Bank Plc trading as first direct.

## **What happened**

Mr K contacted first direct in early September 2024 because his account had gone into overdraft. He spoke to an adviser and explained that he had dealings with N, a retail company, who had put a credit of £25 into his account a few days previously and then without explanation had taken that amount out. The adviser said Mr K needed to speak to the card dispute team and transferred him through. He was unhappy that he was just blind transferred without the new adviser knowing details of the case. He was asked if he had contacted N about it and he said that he had no intention of speaking to them. The adviser told Mr K that he needed to raise a complaint with its complaints team and transferred him through.

The new adviser took details of Mr K's complaint. He asked about timescales and he was told that he would be contacted within five working days. First direct sent him an acknowledgement by email on the same day saying that it would contact him within two weeks. But it didn't actually phone him with the results of its review until after six working days.

First direct issued a final response acknowledging that it hadn't met Mr K's expectations about its customer service. It explained that if Mr K wanted a resolution to the financial transaction he would need to contact N first.

On referral to the Financial Ombudsman Service, our Investigator said they didn't think that first direct had done anything wrong.

Mr K disagreed and the matter has been passed to me for an Ombudsman's consideration.,

## **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.

### *initial dispute*

Mr K initially contacted first direct because he had gone overdrawn and a payment had come out of his account that he didn't know about. It was explained to him that first direct was not responsible for taking the money out of his account as N had general authorisation to do so. The adviser Mr K spoke to initially did explain that he would need to raise a dispute with N. And he told the adviser that he hadn't contacted them as he had no reason to do so. When he later spoke to the adviser who had reviewed his complaints he said that he had attempted to contact N and hadn't managed to get a response out of them. First direct said that if he had tried to contact N, it could have used that to raise a dispute for him. It did explain however that in order to get an answer as to why N had credited his account and then

debited the same account for the same sum, he would only be able to get an explanation for this from N.

I think first direct gave Mr K proper advice about this. It wasn't responsible for the payment going out of his account and as he clearly had an account with N, it couldn't stop the transaction taking place.

#### *transferring between departments*

When Mr K first contacted first direct, he made it clear that his complaint was concerning the payment going out of his account, putting him into overdraft. I don't think the adviser could be said to have wrongly transferred him when they established that he needed to speak to the card dispute team. I know he was concerned about being blind transferred without the new adviser knowing anything about the matter. But from listening to the phone call he said his main concern was that he would have to go through the security procedure again which the adviser confirmed that he did not.

When Mr K spoke to the adviser in the card dispute team, he made it clear that he had no intention of contacting N but still wished to raise a complaint. He was therefore transferred to the appropriate team and this time it was not a blind transfer. The adviser said it appeared to be a card payment but accepted fully Mr K telling them that he didn't make that payment.

I don't think that first direct's advisers did anything wrong in the course of this particular phone call.

#### *timescales*

Mr K says that he was advised that he would get a response to his complaint within five working days. This included the day of his making the complaint. When he didn't get a response within five days he contacted first direct. The adviser explained that Mr K had received an email on the day he made the complaint to say that he could expect a full response within 14 days. The first adviser also said that Mr K would get either first direct's full response to his complaint or an acknowledgement/update if more time was needed. Whilst I understand that Mr K expected a full response within five working days, I think that first direct complied with its timescales. I would also observe that Mr K actually received a full response on the sixth working day. He asked for this response to be by telephone, which it was. And he asked for the written response to be sent by email rather than post. And again first direct complied with those instructions.

I understand that Mr K didn't have any issues with the final phone call when he was told of the result of first direct's investigation.

#### *overall*

I think that first direct acted appropriately and in line with its processes And the timescales when responding to Mr K. It accepted that he needed to receive the results of the investigation by phone, and the written follow up by email. I think it gave him the correct advice about challenging the debit on his account. So I won't be requiring first direct to take any further action

#### **My final decision**

I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or

reject my decision before 11 March 2025.

Ray Lawley  
**Ombudsman**