

The complaint

Mrs A complains that HSBC UK Bank Plc won't reimburse her money she lost to a scam.

Mrs A has brought her complaint through a professional representative. For ease, I'll refer to all their submissions as being from Mrs A.

What happened

Mrs A says she fell victim to a cryptocurrency investment scam in 2024 having been contacted on a popular instant messenger platform about a cryptocurrency investment offering her substantial returns.

Mrs A transferred money from her account with a high street bank 'B' to her account with HSBC and, from there, to her account with an Electronic Money Institution (EMI) 'R'. Mrs A made the following relevant payments totalling £22,350 from HSBC to her account with R as follows:

	Date	Payment
1	17.03.2024	£50
2	19.03.2024	£6,000
3	03.04.2024	£5,000
4	03.04.2024	£5,000
5	28.04.2024	£5,000
6	08.05.2024	£1,300

Mrs A says she then sent a total of £22,750 from her account with R to an investment company M via a cryptocurrency platform I'll call C. But she says M didn't return her money and instead requested high withdrawal fees to recover her money (which she didn't pay).

In September 2024, Mrs A complained to HSBC that she'd been scammed and it had failed to protect her, even though she'd made transactions which were unusual and out of character for her account. Had it asked her open and probing questions, she said HSBC would have known that she was sending money to M, which was subject to a Financial Conduct Authority (FCA) warning published on 22 March 2024. The scam would then have been uncovered.

HSBC said Mrs A's payments weren't unusual for her account and there were no signs she'd fallen victim to a scam, so it would not reimburse her.

Unhappy with the outcome, Mrs A asked us to look into her complaint about HSBC. She also

referred to us her complaint about the EMI R which is being considered separately.

After looking into her complaint, our Investigator didn't uphold it. He said there was insufficient evidence the disputed payments were part of a scam. And in any event, he didn't think it was likely HSBC would reasonably have uncovered the scam, given the misleading answers Mrs A had given to it in response to questions that R had asked her.

Mrs A didn't agree and asked for an Ombudsman's review. She said, in summary, that she'd not retained the chats with the scammers and hadn't known the chats would be deleted after she'd blocked the scammer. We should take her own testimony as evidence and make a fair decision based on the balance of probabilities.

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.

My decision is confined to this complaint about HSBC. Mrs A's complaint about the EMI R will be decided separately.

I've considered longstanding regulatory expectations and requirements, and what I consider to be good industry practice for firms when processing payments. In line with this, HSBC ought to have been on the look-out for the possibility of fraud and made additional checks before processing payments in some circumstances.

Mrs A says she has been the victim of a scam and that HSBC ought to have intervened more effectively on the payments she's disputing. I've carefully considered the evidence available, but I can't fairly conclude from the evidence that Mrs A has been the victim of a scam in relation to these payments. So even if I were to find that HSBC had done something wrong, I can't reasonably conclude that this caused Mrs A to suffer a financial loss.

Mrs A hasn't been able to show that she made the disputed payments as a result of a scam. The evidence she's provided shows that she made payments to her crypto wallet with C. But she's not been able to provide any evidence to show that the crypto payments from her wallet with C were sent to the scam investment company M or to a crypto wallet address provided by M.

I've read and considered Mrs A's comments that she didn't realise she had to store and retain her conversations with the scammers on the two different instant messenger platforms she used and that she shouldn't be 'punished' for this. I have also taken into account Mrs A's testimony that she sent her payments from her crypto wallet with C to the scam investment company M, and that after she refused to send further money for 'withdrawal fees' she didn't receive her money back from M.

I've carefully considered Mrs A's testimony, but I would need more evidence than she's provided to conclude that it is more likely than not, on the balance of probabilities, that the payments were made as part of a scam. It is not a question of 'punishing' Mrs A but rather that I cannot fairly require HSBC to compensate her for a loss where I've not seen sufficient evidence that she suffered that loss (and that the loss resulted from something HSBC did wrong).

I should also say, for completeness, that even if there was sufficient evidence that the disputed payments were linked to the scam (and I don't think that there is) I don't consider it's likely any scam would have been uncovered.

I say this because I've seen evidence that the EMI R showed Mrs A educational screens showing key features of cryptocurrency scams before directing her to its in-application (app) chat. On two separate occasions R asked Mrs A an open question about where she intended to send the funds she was sending to C. Mrs A responded to say that C was an investment platform, and she would invest on this platform. But based on Mrs A's own description of the scam, this was not correct. She didn't mention investment company M to the EMI R. She expressed impatience with R's questions saying the main reason she'd got the account was for crypto and that she was not a child and knew what she was doing with her money. Given her responses I'm not persuaded that any similar open questions by HSBC would have uncovered a scam.

As I haven't seen persuasive evidence Mrs A has made the disputed payments due to being a victim of a scam, I can't fairly uphold this complaint.

My final decision

For the reasons I've explained, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs A to accept or reject my decision before 28 August 2025.

Amanda Maycock
Ombudsman