

The complaint

Mr B complains HSBC UK Bank Plc unfairly recorded a Cifas marker against him. He wants the marker removed and compensation for the impact the marker has had on him.

What happened

The background that led to HSBC recording a marker against Mr B are understood by both parties, so I won't detail everything that happened here.

In summary, Mr B held a current account with HSBC. In November 2023 Mr B deposited a cheque into his account. He says he thought the cheque was sent to him as a result of a job offer, which he now understands to be a job scam.

HSBC closed Mr B's account and recorded a Cifas marker. They weren't persuaded by Mr B's explanation and the information he provided.

Our investigator didn't uphold Mr B's complaint. They found HSBC had sufficient information to record the Cifas marker. The evidence showed the cheque was fraudulent and proceeds of fraud had entered his account before the payment was reversed. There was also enough information to demonstrate Mr B ought to have known something wasn't right about the cheque prior to funds being deposited into his account.

Mr B disagreed with the outcome and asked for a final decision by an ombudsman, so his complaint was passed to me to decide.

In addition to further submissions, Mr B says before presenting the cheque to HSBC he had gone to a branch of the third-party bank the cheque indicated it was issued by, and a member of staff there verified it was an original. He says this is why he didn't raise concerns with HSBC on presenting the cheque.

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.

It's important to emphasise I've read and considered all of the information provided by both parties, in reaching my decision. I say this as I've summarised Mr B's complaint in less detail than he has. If I've not reflected something he's said it's not because I didn't see it; it's because I didn't deem it relevant to the crux of the complaint.

My approach isn't intended as a discourtesy to either party but merely reflects my informal role in deciding what a fair and reasonable outcome is. This also means I don't think it's

necessary to address every point Mr B or HSBC has raised unless I think it's relevant to the crux of the complaint.

I've decided not to uphold Mr B's complaint. I understand he will be very disappointed, so I'll explain why.

HSBC needed to have met the evidential standard required by Cifas to register a marker. They needed to have reasonable grounds to believe Mr B had committed or attempted a fraud or other financial crime. So, HSBC couldn't apply a Cifas marker based only on suspicion without supporting information and evidence. The evidence must be clear, relevant, and rigorous.

But there is a difference between what is needed for HSBC to record a Cifas marker and the standard of proof required to convict someone of fraud or another financial crime. The information and evidence do not need to prove Mr B was guilty of fraud or another financial crime beyond a reasonable doubt.

So, I must consider whether the standard of evidence is enough in the circumstances of Mr B's complaint for the Cifas marker to have been recorded and remain. On balance I'm satisfied there is sufficient evidence to show the standard was and is met.

The evidence indicates Mr B applied for a job, which looks clearly to have been a scam. It's highly unlikely an employer would offer a well-paid job without an interview or more robust recruitment process, and then only embark on email communication. The nature of sending money to Mr B for their vendor to send him home office equipment is also a very doubtful arrangement.

But while Mr B may have initially fallen victim to thinking he had a genuine job offer in September 2023, this doesn't mean I must find his subsequent actions show he had no concerns about the nature of the cheque when he presented it to HSBC in November 2023. Instead, I find the evidence shows he had genuine suspicions about the cheque and the job offer at that time, such that he shouldn't have tried to have the cheque paid without taking further action. I don't find his decision to do so transparent or honest.

The cheque stated the account to be drawn from belonged to a university, and not the employer he thought he had been communicating with. There was no reference to a university in any of the communication Mr B had with the employer, so I fail to see why he didn't think there was something very wrong with the cheque or why he didn't question it with the persons purporting to be his future employer.

Mr B said he was suspicious that the job offer was in fact a scam after he rang a number for the company he had found via an internet search around what he thinks was the end of September 2023. The person he spoke to said no-one by the name of the person who had been emailing him worked in HR there. He also said he sent an email to the address he had for what he thought was the employer, which was returned as domain not found. These were both very strong indicators the job and offer were a scam. I haven't seen any later information and evidence that would have allayed these concerns.

The person Mr B was communicating with from the alleged employer later contacted him in October 2023. But it was clear the email address of the person had changed and no longer referenced the employer. But even so, based on what Mr B has told our service, he was still suspicious that that it was still a job scam.

Mr B says he thought that a real job scam would mean he wouldn't be sent money and whether it was a job scam or not would depend on whether the cheque was paid. This may

be true, but I'm satisfied he would still have been suspicious that the cheque was part of a job scam at the time he presented it to HSBC.

I understand Mr B says he desperately wanted a job, so despite compelling evidence to the contrary he may have really hoped the cheque and job offer was genuine. But this factor didn't mean his suspicions didn't still exist when presenting the cheque. And, I'm not persuaded at this point he was sufficiently under the illusion that the offer and cheque were genuine.

Mr B didn't tell HSBC about his suspicion in branch. He instead thought he would be alerted by their staff. I note he has now also said he went into a branch of the bank that the cheque was thought to be issued by, and the cheque was verified as an original before he went to HSBC.

I find Mr B should have highlighted his concerns to HSBC given I'm satisfied he was suspicious about the cheque and job offer being a job scam at that time. I find his decision not to telling. It was unreasonable to have waited to see if the cheque was paid, given the strength of evidence that something was wrong and his own awareness that this might be the case.

I'm not persuaded by what Mr B has said about attending a branch of the other bank before going to HSBC. He has gone into significant detail about the events leading up to him presenting the cheque and from what I have seen he has not at any previous point revealed that the other bank verified the cheque was original. Neither is there any further evidence to support that this happened, so I have not placed much weight on this point. I very much doubt CCTV from the branch he says he attended would remain from 2023.

However, even if the other bank had said the cheque was an original, this doesn't explain why the cheque wasn't in the employer's name. Neither does it allay the already existing concerns that Mr B had been told no-one by the name of the person he was communicating with worked in the employer's HR department.

I've listened to what Mr B has said - that he was naïve to the UK job market (and I've no reason to doubt this to some degree) – but I'm not satisfied this persuasively explains why he presented the cheque to HSBC without raising his concerns or gaining further assurance to allay his suspicions. I'm satisfied the evidence and information before me is enough for HSBC to have recorded the Cifas marker.

My final decision

My final decision is I do not uphold Mr B's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 1 December 2025.

Liam King
Ombudsman