

## **The complaint**

Mr C says HSBC UK Bank PLC (“HSBC”) refused to refund him for an unsuccessful ATM withdrawal.

## **What happened**

The facts of this complaint are well known to both parties, so I won’t repeat them in detail here.

In short, Mr C complained about an unsuccessful ATM withdrawal from March 2024, where the requested £100 was dispensed but then retracted back into the machine straight away. A second withdrawal of £100 was attempted which was carried out successfully. However, Mr C’s account was debited two amounts of £100, and he would like the disputed £100 refunded to him. Mr C also complains that he has spent over 30 hours on his complaint and is not happy that HSBC didn’t believe what he said happened. For this, he would like compensation.

HSBC initially decided not to uphold Mr C’s complaint based on the information provided by the bank who owned and operated the ATM in question. It said the evidence it received from the ATM owner showed no surplus money in the purge bin and no evidence of any other technical difficulties with that ATM. However, following our involvement, it offered to refund Mr C the disputed £100 as a gesture of goodwill.

The investigator considered this complaint and felt the offer made by HSBC was fair. However, he also decided to award £200 in compensation for the time and effort Mr C had to put into this complaint as he felt HSBC could’ve upheld this case sooner based on the evidence that has been available since the start. HSBC accepted the investigator’s outcome, but Mr C didn’t. So, this complaint was passed to me for a final decision.

## **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’d like to reassure both parties that although I’ve only given an overview of what happened, I’ve read and considered everything we’ve been provided in its entirety.

I’ve seen that HSBC have agreed to refund the £100 in dispute as set out in the investigator’s outcome. This is what we would expect it to do to put things right in the case of an upheld ATM dispute. So as the original £100 refund is no longer in dispute, there is nothing further for me to add here. Therefore, I will now consider the issue of compensation.

At this point I would like to set out that our Service was set up to informally resolve disputes when things go wrong. And we do this by putting the consumer back in the position they would’ve been in had things happened as they should have. We were not set up to punish financial providers for any wrong doings and we cannot instruct them to change their products or processes. We can consider awards for compensation, and we do so in line with

our guidelines as set out in the “Compensation for distress and inconvenience” page on our website.

Mr C is unhappy that CCTV footage from the ATM was not requested by HSBC, and that he was required to get a police report and chase other third parties to gather information in support of his complaint. Mr C says this wasted hours of his time, and even after obtaining this evidence from the police it was still not considered. I have considered this inline with our guidelines for compensation.

Sometimes things do go wrong and there is a need to complain. And it is reasonable to expect to have to spend some time and effort in resolving a complaint, which could include gathering evidence in support of this. So, I don't think it is unfair that Mr C had to spend time and effort on making enquiries and chasing up HSBC. But I do agree that HSBC could've taken a more proactive roll in gathering such evidence to investigate the complaint initially. And even when the evidence was obtained, it doesn't seem to have been reconsidered. HSBC made an offer to settle this complaint, but this was after our involvement and not off the back of the police report which supported Mr C's version of events. So, I do think Mr C is due some compensation for this.

The investigator decided to award £200 in compensation for HSBC's failing here, and I think this offer is fair, I'll explain why.

Mr C wanted us to consider how many hours this complaint has taken of his time and how much that is worth. But as per our organisations guidelines: *“when considering your time and how you've been inconvenienced, we don't usually consider, for example, someone's hourly rate. Instead, we'll look at the overall impact the business's mistake had on you.”* We do consider that HSBC did fail to act on the evidence provided by Mr C sooner, which meant that his complaint went on for longer than it needed to. And our guidelines state that where the business has made a series of small error or one large error, which caused distress, inconvenience and some delay, an award of up to £300 is fair. And based on what Mr C has told us about how this has affected him, I think the amount of £200 suggested by the investigator is reasonable.

I understand that Mr C has several other complaint points about the way the ATM owner handled the complaint and responded to him. However, it wouldn't be fair for me to hold HSBC responsible for the distress and inconvenience caused by a third party. So those points have not been considered here.

Overall, I think the refund of £100 and the additional £200 compensation is fair and reasonable resolution to this complaint. I understand Mr C is also unhappy about the amount of interest being awarded, however, this rate is deemed as a fair rate of interest by the Service for the loss of use of the funds.

### **Putting things right**

HSBC UK Bank PLC should put things right by:

- refunding the disputed £100
- adding 8% simple interest from the date of the transaction to the date of settlement
- paying £200 compensation.

### **My final decision**

I am upholding this complaint and HSBC UK Bank PLC should put things right as outlined above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 30 July 2025.

Sienna Mahboobani  
**Ombudsman**