

The complaint

Miss D complains that HSBC UK Bank Plc won't refund payments made as a result of a scam.

What happened

Miss D was the victim of a job scam involving the following payments from her HSBC account:

Ref	Date	Description	Debit
-	18 April 2024	Payment received from Miss D's Revolut account	+£26.00
-	18 April 2024	Payment received from Miss D's Revolut account	+£49.30
-	19 April 2024	Payment received from Miss D's Revolut account	+£49.00
1	19 April 2024	Payment to Miss D's Revolut account	-£3.00
2	19 April 2024	Payment to Miss D's Revolut account	-£54.00
3	19 April 2024	Payment to Miss D's Revolut account	-£23.00
-	19 April 2024	Payment received from Miss D's Revolut account	+£117.47
4	19 April 2024	Payment to Miss D's Revolut account	-£50.00
5	19 April 2024	Payment to Miss D's Revolut account	-£50.00
6	20 April 2024	Payment to Miss D's Revolut account	-£50.00
7	20 April 2024	Payment to Miss D's Revolut account	-£140.00
8	20 April 2024	Payment to Miss D's Revolut account	-£10.00
-	20 April 2024	Payment received from Miss D's Revolut account	+£280.00
9	21 April 2024	Payment to Miss D's Revolut account	-£300.00
10	21 April 2024	Payment to Miss D's Revolut account	-£524.00
11	21 April 2024	Payment to Miss D's Revolut account	-£1,325.81
12	21 April 2024	Payment to Miss D's Revolut account	-£3,519.19
13	21 April 2024	Payment to Miss D's Revolut account	£10.00
14	21 April 2024	Reversed payment to Miss D's Revolut account	(£10.00)
15	21 April 2024	Payment to Miss D's Revolut account	(£5.00)
16	23 April 2024	Card payment to Remitly	-£2,450.00
17	23 April 2024	Card payment to Remitly	-£1760.42
18	23 April 2024	Card payment to Remitly	-£2,502.99

In summary, Miss D was contacted about a job opportunity where she'd be paid to complete a set of online tasks related to reviewing hotels. Some of these tasks required her to pay her own money to complete them, which she was led to believe she'd get back along with her pay.

To deposit funds on the online platform, Miss D sent money to her Revolut account and onwards to fraudsters. She also sent money to fraudsters via Remitly, an online remittance service. Miss D explained she realised she'd been scammed when they asked her to pay further sums to withdraw what she'd earned.

In May 2024, Miss D raised a complaint, via professional representatives, that HSBC ought to have done more to protect her from the scam. HSBC said the card payments went to a

genuine company, who provided the service of facilitating the transfers. And the faster payments went to an account in her own name, so they're not eligible for a refund. It added it didn't intervene in the payments to Revolut, as they went to her own account. And when it asked about the Remitly payments, she told HSBC they were to pay a family member.

Unhappy with HSBC's response, Miss D brought her concerns to us to investigate. I shared my opinion that I intended to uphold the complaint in part. I considered that HSBC should've stepped in around payment 10, but I didn't think the scam would've unravelled at that stage, owing to the likelihood Miss D would've provided a cover story. However, I thought HSBC ought to have intervened again at payment 16 – the first payment to Remitly – and at this stage, I didn't think the cover story would've likely stood up to scrutiny. It followed that I thought it was likely the scam would've unravelled. So I considered that HSBC ought to refund her losses from this point, less 50% to reflect her contributory negligence.

HSBC accepted my recommendation, but Miss D disagreed. In summary, she said:

- My findings were contradictory, in that if HSBC could've unravelled the scam at payment 16, then it ought to have done from payment 10.
- HSBC failed to act on a clear pattern of unusual behaviour.
- She was vulnerable at the time, which affected her judgement. And that HSBC failed to identify or act on this.
- She'd a longstanding relationship with HSBC, so she'd be more inclined to act on its serious intervention.
- Other ombudsmen decisions have held that even where misinformation is given, banks are liable if their intervention wasn't sufficient.
- She considered 50% isn't a fair reduction, given the imbalance of power and information between her and HSBC.

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've carefully considered Miss D's response to my provisional findings, but it's not changed my mind about what's a fair outcome to this complaint. I'll explain why.

While the starting position in law is that Miss D is responsible for payments she made, I'd also expect HSBC to fairly and reasonably intervene if there were signs Miss D was falling victim of a scam. Here, I've acknowledged HSBC ought to have stepped in around payment 10. Because by this stage, she'd have made several payments very quickly to a new account with an electronic money institution for increasing amounts. And this sort of pattern fits with the increased prevalence of multistage fraud.

But it's not enough for me to conclude that HSBC made a mistake. Instead, to tell it to refund the money from this point, I must also be persuaded that it was this mistake, in not intervening, that caused Miss D's losses.

Here, I'm not persuaded that a reasonable intervention at this stage would've unravelled the scam. That's given the likelihood that Miss D wouldn't have been forthcoming about what the payment was for (the evidence shows she misled both HSBC and Revolut about the purpose of the payments and told them she was paying a family member). And while I think this reason may not have stood up to particularly robust scrutiny, I'm mindful that HSBC would've been reassured by the overall value of payments and, to a certain extent, that they were going to an account in her name. So I wouldn't have expected HSBC to have probed or questioned Miss D extensively, or gone over and above providing general scam warnings, at this point.

But I acknowledge the risk of financial harm increased again as Miss D continued to make payments, for higher amounts, as part of this scam. In light of this, I'd have expected HSBC to have intervened again when she attempted to make the first payment to Remitly. And by this stage, I'd have expected HSBC's questioning to go further – and in response, I think it would've been difficult for Miss D to maintain that these payments were for a family member. After all, it wouldn't make sense to send the money incrementally over so many payments, and it doesn't explain why, after using Revolut, she now needed to use Remitly instead. On the flip side, the pattern of payments that had emerged was very typical of job scams, an area where victims are commonly told to mislead their banks.

With this in mind, I'd have expected HSBC to have escalated the matter further – for example, asking for evidence to support what the payments were for or directing her to branch. Given how closely the payment pattern matched those of job scams, I'd also have expected HSBC to explore this possibility with her.

Had this have happened, I think it's likely the scam would've finally unravelled. That's through both the likelihood that HSBC couldn't satisfy itself that all was well with these payments, and from Miss D's understanding of how her situation very closely matched the hallmarks of a job scam. It follows that I think the losses from her first payment to Remitly could've been prevented, and I think HSBC ought to put things right from that point.

I appreciate Miss D finds this contradictory, in that if HSBC ought to have unravelled the scam at payment 16, it could've done so on payment 10. But I'm satisfied I've explained how the circumstances were different between payment 10 and 16 – and so, why I think the results of the interventions would have been different. I don't think that's contradictory, but instead, reflects the particular facts of this case.

I've also noted Miss D's vulnerabilities, which I appreciate her sharing. But I've not seen that HSBC knew or ought to have known these at the time. So I don't think it changes how I'd have expected HSBC to have intervened.

Miss D has also highlighted other ombudsmen decisions which were upheld even when firms were misled during an intervention. Each case is decided on its own facts. But I note that Miss D's likely misinformation hasn't been my sole consideration. Indeed, I've determined that despite this, I still think HSBC could've fairly unravelled the scam by payment 16.

Finally, I appreciate Miss D considers the 50% deduction to reflect her contributory negligence unfair. It's not my intention to blame Miss D, as the victim of a cruel and manipulative scam. But I can't ignore that, had she'd been forthcoming with HSBC and Revolut about what the payments were for, more could've been done to stop these losses. And overall, I'd expect someone to reasonably question why a legitimate employer would encourage someone to mislead their bank.

I've considered whether that results in a fair outcome, owing to Miss D's vulnerabilities. But while I can see how these may have contributed to her falling for the scam in the first place, I've not seen evidence that these affected her judgement to the extent that she was unable to spot these red flags. It follows that I remain persuaded that it's fair to reduce the award by 50%.

In conclusion, I'm satisfied that a fair outcome to this complaint is upholding it in part – by telling HSBC to refund Miss D's losses from payment 16, less 50% for her contributory negligence. It should also add interest to this, as explained below, to compensate her for the time she's been out of pocket.

My final decision

For the reasons I've explained, I uphold Miss D's complaint in part. HSBC UK Bank Plc must:

- Refund Miss D's losses from payment 16 onwards, less 50% to reflect her contributory negligence.
- Add 8% simple interest per year onto this amount from 23 April 2024, the date of the payments to Remitly, to the date of settlement (less any tax lawfully deductible).

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss D to accept or reject my decision before 18 September 2025.

Emma Szkolar
Ombudsman