

## **The complaint**

Mr B complains that HSBC UK Bank Plc won't refund him the money he says he lost in an investment scam.

## **What happened**

The circumstances surrounding this complaint are well-known to both parties, so I haven't set them out in detail here. Instead, I've summarised what I consider to be the key points.

In May 2024, Mr B opened an account with a broker to trade in contracts for difference (CFDs). He says that between May and October 2024 he made 20 debit card payments from his HSBC account to his broker account, but he lost most of the money in trades. He now believes he has been the victim of a scam.

Mr B originally complained to this service about chargeback claims he asked HSBC to make for these debit card payments. That complaint has been dealt with by this service already. In summary, he felt the broker had misrepresented the service it was offering, changed the wording on its website and it didn't send him information about leverage and risk. He said this had caused him to lose most of his money.

But Mr B now thinks the broker was operating a scam and is set up to ensure customers lose money. He complains that HSBC hasn't investigated this properly and thinks it should refund him.

HSBC says none of the payments were flagged by its systems as being suspicious and it didn't consider it had any grounds to have intervened to prevent the payments. If it had intervened, it's unlikely Mr B would have stopped making the payments because he didn't suspect this was a scam until much later. The payments are not covered by the Contingent Reimbursement Model (CRM) Code because it doesn't apply to debit card payments and in any event, it hasn't seen any evidence to suggest this was a scam.

Our investigator didn't uphold Mr B's complaint because he didn't think there was sufficient evidence to show that Mr B had been the victim of fraud. He said he had no credible evidence the broker was operating a scam. The broker was not listed on the websites of either the International Organisation of Securities Commissions (IOSCO) or the Financial Conduct Authority (FCA) in relation to suspected fraudulent activity. There was no compelling evidence online, such as online reviews, to indicate this broker was operating a scam. While scammers have been known to pretend to be from legitimate businesses, in order to trick people into sending them money, in this case Mr B appears to have been dealing with the genuine broker, which is regulated by the FCA for certain activities.

Mr B didn't accept the investigator's conclusions and has asked for an ombudsman's decision. He said he'd sent a screenshot showing changes to website wording, he thinks people were lured into investing based on one set of wording and then it was changed. He maintains he wasn't sent information about leverage and risks.

## **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.

The first issue to consider is whether there is sufficient evidence that Mr B has been the victim of a scam.

I agree with the investigator that there is no wider evidence of the broker operating a scam, for example there are no warnings on the FCA or IOSCO websites, nor online reviews warning that this broker might be involved in a scam. While some scammers pretend to represent real companies in order to trick people into sending them money, I also agree with the investigator that Mr B appears to have been dealing with the genuine broker, which is an FCA regulated business.

The main points Mr B has raised as evidence this is a scam are about the information contained on the broker's website and the lack of information about leverage and risks.

I've looked at the screenshots of the information on the broker's website that Mr B has provided, but they don't persuade me that Mr B has been the victim of a scam. Mr B has provided a screenshot from the broker's website in which it says it doesn't offer fixed spreads. He says this is different to previous information on the website which indicated the broker provided consistently low spreads.

I can see Mr B has provided copies of messages exchanged with the broker in which the broker says both statements are true, it does maintain low spreads, and it has doesn't offer fixed spreads. I don't find anything contradictory or misleading in the information. There is a difference between low spreads and fixed spreads and to say that it doesn't offer fixed spreads does not mean that it doesn't maintain low spreads. I do not consider this is persuasive evidence that the broker is operating a scam.

Mr B's other point, that he wasn't sent information about leverage and risk doesn't persuade me he has been the victim of a scam either. Mr B hasn't made clear whether he asked for any such information and what information he thinks ought to have been provided but I wouldn't necessarily expect this information to have been sent to him. There is no suggestion the broker was offering an advised service where it undertook to provide advice about these issues and I can see the broker's website does contain general information about leverage and risks. In any event, even if Mr B had identified a failing here, an error in providing information does not necessarily mean the broker is operating a scam.

Overall, I haven't seen persuasive evidence that Mr B has been the victim of a scam, rather than simply losing money through trading in CFDs and so it follows that I don't consider HSBC is at fault either for not identifying a scam or in not refunding Mr B's money.

## **My final decision**

I don't 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 17 December 2025.

Greg Barham  
**Ombudsman**