

## **The complaint**

Mr E has complained that HSBC UK Bank Plc won't refund the money he lost after falling victim to a scam.

## **What happened**

In summary, in 2021 Mr E came across an online video about a cryptocurrency opportunity, which unfortunately was a scam. The scammers offered a limited time giveaway, saying that if one sent them crypto, they'd double it.

Over the course of several days, Mr E transferred over £3,000 from his HSBC account to his own existing crypto account. He then bought crypto and sent it to the scammers. He didn't receive the promised returns.

HSBC explained they were sorry to hear about this, but didn't think they were liable for Mr E's loss.

Our Investigator looked into things independently and didn't uphold the complaint. Mr E asked for an ombudsman's final decision, so the complaint's been passed to me to decide.

## **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 understand that Mr E fell victim to a scam, for which he has my sympathy. I appreciate that such scams can feel really cruel, and are often not easy matters to face. And I appreciate why he would like to try to get his money back. It's worth keeping in mind that it's the scammers who are primarily responsible for their own scam, and it's the scammers who really owe Mr E his money back. But I can only look at what HSBC are responsible for. Having carefully considered everything that both sides have said and provided, I can't fairly hold HSBC liable for Mr E's loss. I'll explain why.

First, I appreciate why Mr E thought to raise arguments about the CRM Code, and about the standards in place for scams now. I must explain that as his payments went to his own crypto account, they were not covered by the CRM Code, And I can't fairly hold HSBC to standards which didn't exist yet at the time. My decision is based on what was expected of them at the point of these payments.

It's not in dispute that Mr E authorised the payments involved. So although he didn't intend for the money to end up with scammers, under the Payment Services Regulations he is liable for his own payments and the resulting loss in the first instance. And broadly speaking, HSBC had an obligation to follow his instructions – the starting position in law is that banks are expected to process payments which a customer authorises them to make.

HSBC should have been on the lookout for payments which could be the result of fraud or scams, to help prevent them. But a balance must be struck between identifying and responding to potentially fraudulent payments, and ensuring there's minimal disruption to legitimate payments. I've thought carefully about whether HSBC should have done more in Mr E's case.

While I appreciate that this was a significant amount to lose in total – again, Mr E has my sympathy there – this spending was not so large or rapid as to have been of particular concern to the bank. It didn't form any particularly suspect pattern, and it wasn't especially remarkable for customers to occasionally use savings to fund a larger spend – indeed, that's how savings are often used. These payments were authorised by the genuine customer, from a sufficient balance, to an account in the customer's own name at a real exchange, which – while recent – was an existing payee he'd used a number of times before. And while these payments were going to a crypto exchange, that alone was not sufficient reason for HSBC to think that these particular payments were so at risk that they needed to intervene, not least as the bank weren't as on-notice about crypto scams back then as they were in later years. Overall, I don't think that the payments involved were so unusual or out of character that HSBC needed to intervene here.

I've then considered what HSBC did to try to recover the money after Mr E told them about the scam. Unfortunately, it wasn't possible for HSBC to recover the funds which Mr E had already sent on in crypto from his crypto account. And any funds remaining in Mr E's crypto account were still his, so there was nothing more for HSBC to do there. I'm afraid there was nothing more that HSBC could've reasonably done to get the money back here.

So while I'm very sorry to hear about what the scammers did to Mr E, I don't think HSBC can fairly be held responsible for his loss. And so I can't fairly tell HSBC to reimburse Mr E in this particular case.

### **My final decision**

For the reasons I've explained, I don't uphold this complaint.

This final decision marks the end of our service's consideration of the case.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E to accept or reject my decision before 12 January 2026.

Adam Charles  
**Ombudsman**