

## **The complaint**

Mr C complains that HSBC UK Bank Plc (HSBC) won't refund money he lost when he was the victim of a scam.

Mr C is represented by a third-party firm, but for ease of reference I will refer to Mr C throughout the decision.

## **What happened**

The background to this complaint is known to both parties, so I won't repeat everything here. In summary, Mr C has explained that between June 2022 and March 2023 he made payments from his HSBC account to buy cryptocurrency which he ultimately lost to an investment scam.

Mr C realised he had been the victim to a scam when he wasn't able to withdraw his profits. Mr C has said he lost £29,110 as a result of the scam.

HSBC looked into the complaint but didn't uphold it. So, Mr C brought his complaint to our service.

Our Investigator looked into the complaint but didn't uphold it. Our Investigator explained that Mr C hadn't provided sufficient evidence to demonstrate he had fallen victim to a scam.

As Mr C remained unhappy, the complaint has 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'm sorry to learn what happened to Mr C, but I'm not upholding this complaint - for broadly the same reasons as the Investigator.

I'm aware that I've summarised this complaint briefly, in less detail than has been provided, and in my own words. No discourtesy is intended by this. Instead, I've focussed on what I think is the heart of the matter here. If there's something I have not mentioned, it isn't because I have ignored it. I haven't. I'm satisfied that I don't need to comment on every individual point or argument to be able to reach what I think is the right outcome. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts.

In line with the Payment Services Regulations 2017, consumers are generally liable for payments they authorise. HSBC is expected to process authorised payment instructions without undue delay. But it also has long-standing obligations to help protect customers from financial harm from fraud and scams. Those obligations are however predicated on there having been a fraud or scam. And so, it would only be reasonable for me to consider whether HSBC is responsible for the loss Mr C claims to have suffered if, indeed, he has

been scammed.

It's important to see evidence that a customer has been scammed and that, for example, it isn't a case of a failed investment. In this case Mr C has explained he was the victim of a scam, but he has not been able to provide sufficient evidence of the scam or how it unfolded. Most of the information he has supplied doesn't link Mr C to the scam or demonstrate that he was a victim of it. For example, Mr C has provided some screenshots of payments for cryptocurrency, but he's not been able to supply evidence to show how the funds he sent were subsequently lost to scammers or sent into their control. He's only been able to provide limited conversations he had with the scammer and although some of this includes wallet addresses, they don't cover the full scam period.

Additionally, Mr C has been using his cryptocurrency account for legitimate payments and it's not clear if all the losses he is claiming are due to the scam he says he fell victim to. So, I can't know for sure from the information we have been sent that his funds were not returned to him or that they were lost to a scam. The Investigator requested clarity around some of the additional payments made to the cryptocurrency provider and requested evidence of the scam several times across the last few months but unfortunately it hasn't been provided.

This is not to say I don't believe Mr C. I understand that he's had difficulties sending the information and I have sympathy with the situation he finds himself in. However, I do need to see sufficient evidence to show that he has suffered a loss due to a scam before I can go on to consider if HSBC should have intervened in any of the payments, he says he made to the scam. And I don't have enough evidence of this here. In the absence of that evidence, I can't say that it would be reasonable for HSBC to be held liable for any of the losses Mr C says he's suffered.

I understand that Mr C was experiencing some difficult circumstances at the time of the disputed payments. I'm sorry to learn about this, but I can't say that HSBC was or should have been aware that he was vulnerable or made any special adjustments for him at the time the transactions were made

For completeness, I've considered if HSBC could have done anything to recover Mr C's funds once he reported what had happened. But it's difficult to see how recovery would have ever been possible here given what Mr C said about converting the funds into cryptocurrency and sending it on to the scammers.

I'm sorry to disappoint Mr C but for the above reasons I won't be asking HSBC to do anything further.

### **My final decision**

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 10 April 2026.

Aleya Khanom  
**Ombudsman**