

## **complaint**

Miss R has complained that HSBC Bank Plc (“HSBC”) mis-sold a ‘Plus’, later ‘Advance’ packaged bank account to her in 2010. She paid a monthly fee for the account and could have used several benefits in return. The account was downgraded to a fee free one in 2012.

## **background**

One of our adjudicators has looked into Miss R’s complaint already. The adjudicator didn’t think that HSBC mis-sold the packaged account to Miss R and didn’t recommend that it should pay her any compensation. Miss R didn’t accept this recommendation and asked for an ombudsman to look at the complaint and make a final decision.

## **my findings**

I’ve considered all the available evidence and arguments to decide what’s fair and reasonable in the circumstances of this complaint.

We’ve explained how we handle complaints about packaged bank accounts on our website. I’ve used this approach to decide what to do about Miss R’s complaint.

I agree with our adjudicator that HSBC didn’t mis-sell the packaged account to Miss R and so it doesn’t owe her any compensation. This is because:

- Miss R took the packaged bank account by switching from a free account, and I think that HSBC gave Miss R a fair choice to take the packaged account or keep the free one. I say this because Miss R upgraded her account online and without any interaction with a HSBC representative. So it was her decision to change from her fee free account to a packaged account.
- The account was upgraded online and I don’t think that HSBC recommended the packaged account to Miss R, so it didn’t have to check if the account was suitable for her. However it still had to give Miss R enough clear information about the packaged account for her to decide if she wanted it. Like our adjudicator, I think it’s likely that Miss R was attracted to some of the benefits of the packaged account and chose it because of these benefits. I can see that she has occasionally benefited from the preferential rate on her overdraft as well as the preferential rate attached to her ISA account as a result of having the Advance account. Packaged accounts are rarely tailored to the individual, so it’s unlikely Miss R would have found every benefit useful. But I’ve not seen anything to suggest she couldn’t potentially have used most of the other benefits.

Miss R has told us that she had existing mobile phone and travel insurance in place when she upgraded her account. Looking at the benefits attached to the Advance account I can see that mobile phone insurance was not included so I don’t think this would have affected Miss R’s decision to take the account. HSBC have sent us copies of screen shots it says represent what Miss R would have seen when she upgraded her account online. These screen shots include a list of all the benefits including travel insurance. And they also explain the monthly cost of the account. I think it’s reasonable for me to assume that the screen shots HSBC has provided are either the same as, or very similar, to the information that Miss R would have seen

when she applied for her account. And I think it's likely Miss R was given sufficiently clear information at the time of upgrading for her to know what the benefits were and how much the account cost.

- It's possible that HSBC didn't tell Miss R everything it should have about all of the aspects of the packaged account. But I haven't seen anything to make me think that Miss R would not still have taken the account even HSBC had told her everything. With hindsight, Miss R might feel that the packaged account wasn't particularly beneficial to her. But taking the evidence as a whole, I think it's more likely than not that she agreed to take the account, knowing she had a choice and that she was taking an account with benefits. Just because she hasn't taken advantage of all the benefits, doesn't mean that the account was mis-sold.
- Miss R has also told us that she phoned HSBC in 2011 to ask about downgrading her account back to a fee free one. She says that during this conversation she was pressured into keeping her packaged account. A copy of that call is not available so I don't know what was said to Miss R at this time. I can see from her account records it looks like HSBC agreed to give Miss R a six month discount on the monthly charge for the Advance account and I accept Miss R's submissions that this was most probably offered as an incentive to keep the packaged account instead of downgrading it. That said I am unable to link the offer of this discount with a *refusal* to downgrade her account. So I still think it's most likely that Miss R would have understood she didn't *have* to keep the Advance account if she didn't want to and instead agreed to keep it because she was prepared to accept the offer of a discounted fee for several months.

I want to reassure Miss R that I've looked at all the information I have about her complaint. And I've thought about everything she has said. But having done so I don't think HSBC mis-sold the packaged account to her. So I don't think it owes her any money.

### **my final decision**

For the reasons I've explained, I don't uphold Miss R's complaint against HSBC Bank Plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R to accept or reject my decision before 5 November 2015.

Karen Hanlon  
**ombudsman**