

complaint

Mr G complains that HSBC Bank plc is asking him to pay a debt of nearly £12,000 that he doesn't owe. He says he's been a victim of fraud.

background

Mr G had a current account with the bank. In September 2014, a cheque for nearly £13,000 was paid into his account. A number of internet and card transactions were made over the next few days. The cheque then bounced, leaving a debt on Mr G's account.

Mr G says he knew nothing about the cheque, and he'd cut up his debit card shortly before the cheque was paid in. He complained to the bank.

HSBC said Mr G's card, PIN, and online banking details were used to make the payments in question. It wasn't prepared to make a refund.

Our adjudicator agreed with the bank's decision. She didn't think the circumstances pointed to Mr G's having been the victim of a fraud. She thought it most likely Mr G had authorised the payments.

Mr G didn't accept that conclusion and asked for a review. He said someone had hijacked his account and tried to make it look as though he was the culprit. He thought HSBC should have blocked his account sooner, and it should have checked the internet provider address the online payments were made from. He was also unhappy about receiving debt collection letters.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I've reached the same overall conclusion as the adjudicator, for much the same reasons.

The bank's records satisfy me that the payments in question were made using Mr G's card, PIN, and online banking details. I think it's difficult to see how all of those things could have been compromised, given what Mr G has said. He has said he'd cut up the card, and he hadn't told anyone his PIN. The bank's records show it didn't send out a new card at around the relevant time, and it hadn't sent out a PIN since 2007. The bank has also pointed out that the cheque that was paid in included Mr G's middle name, and that information wasn't on his card.

The online payments may well not have been made from Mr G's home. I don't think that, of itself, means that Mr G didn't authorise them. So I see no value in asking the bank to check the internet provider address they were made from.

I don't think the bank was wrong not to try to contact Mr G sooner. It wasn't to know the cheque would bounce. And, given what I've said about how the payments in question were made, I don't think it should necessarily have thought they were fraudulent and stopped the account.

I don't think the bank dealt with Mr G very well when he asked it to look into what had happened. But it has said sorry to him for that, and I think that's enough in the circumstances.

For the reasons I've explained, I find the bank can hold Mr G responsible for the debt on his account. So I don't think it did anything wrong in asking him to pay, or in involving debt collection agents.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 2 October 2015.

Janet Millington
ombudsman