

## **complaint**

Mr R complains that HSBC Bank Plc, trading as first direct, will not take responsibility for delay's he experienced in receiving cashback payments.

## **background**

Mr R complained to first direct about the cashback delays but he says he was told to contact the card scheme operator whom I will call "A". Mr R says his account is with first direct and so it should be responsible for any problems.

first direct says it entered into a partnership with the card scheme provider A and it runs the cash back scheme. It says any problems with the scheme should be directed to A and the terms and conditions of the account also state the scheme is run by A.

Mr R brought his complaint to us but our investigator didn't uphold his complaint. She thought first direct had tried to help Mr R but had correctly told him to contact A. She also didn't think Mr R had lost out financially as the cashback has now been paid. The investigator didn't think we had the power to order a business to change its procedures as Mr R would like.

Mr R doesn't accept that view and would like a statement from me requiring first direct to take responsibility for everything connected to his account. He would also like to know if first direct is acting legally and why A can operate in the United Kingdom without being registered with The Financial Conduct Authority (FCA).

## **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 come to the same overall conclusion as the investigator for largely the same reasons. I appreciate that Mr R will be disappointed by my decision and how strongly he feels about what's happened.

I'm satisfied that the cashback scheme is run by the card provider A and not first direct. So in those circumstances I don't think first direct made a mistake by directing Mr R's complaint to it. I'm also satisfied the terms and conditions of the account also state that the cashback scheme is run by A. I think first direct did try and assist Mr R but it couldn't look into Mr R's complaint as it doesn't have access to the card provider A's records or systems.

I appreciate Mr R believes first direct should have to take responsibility for any problems connected to the account. But for the reasons I've explained I think the cashback scheme wasn't run or operated by it. So I can't issue a statement or make a finding as Mr R would like.

Mr R would like to know if first direct is acting legally. As Mr R knows we aren't a court and so I can't make such a finding but I don't think first direct has made a mistake in this case. Mr R should also direct any concern about A operating in the United Kingdom without FCA registration to the FCA itself. I'm sorry but I can't fairly answer that part of his complaint.

Overall I don't think first direct has acted unfairly.

**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 R to accept or reject my decision before 30 April 2018.

David Singh  
**ombudsman**