

complaint

Mr B complains that HSBC Bank plc will not refund to him the money that was paid from his account but which he says he did not spend or authorise. He also complains about the customer service that he has received from HSBC.

background

Mr B's debit card was used to make payments totalling £1,521.50 to a bar when he was overseas in September 2014. He says that his card was stolen and the payments were made without his knowledge. Mr B also says that HSBC blocked his account when his father contacted it (using his security details) and that it agreed to hold back £500 of the disputed payments but did not do so. He says that he was left with no money when he was overseas and that HSBC refused to increase his overdraft limit. He complained to HSBC – which agreed to refund charges totalling £150 to his account. He was not satisfied with its response so complained to this service.

The adjudicator did not recommend that this complaint should be upheld. She concluded that the payments had been authorised by chip and PIN so it would not be fair or reasonable to require HSBC to refund the payments to Mr B. She did not consider that HSBC had provided unacceptable service to Mr B and concluded that by refunding £150 of charges, it had treated Mr B fairly.

Mr B has asked for his complaint to be considered by an ombudsman. He says, in summary, that: HSBC has not properly investigated his complaint; that he mistakenly said that he used his debit card the day after the disputed payments; and that HSBC has not treated him fairly.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Mr B says that his debit card was stolen when he was overseas and then used to make payments in a bar. He says that his PIN was not written on the card. Those payments were authorised using the chip contained in the card and Mr B's PIN. I am not persuaded that it is likely that Mr B's card would be stolen by someone who knew, or was able to discover, Mr B's PIN.

Mr B's debit card was also used to make a cash machine withdrawal the following day. Mr B initially said that he had made that withdrawal, then said that it had been made using his credit card and then said that he did not make the withdrawal. On the basis of the evidence that I have seen, I consider it to be more likely than not that Mr B made the withdrawal and that his card was not stolen. Given the information that was available to it, I do not consider that HSBC was required to conduct a more thorough investigation.

I am not persuaded that HSBC acted incorrectly when it blocked Mr B's account when his father used Mr B's security details to contact it. The security details are only for use by the account holder and it was not unreasonable for HSBC to be concerned that Mr B's account was being used without his authorisation.

Nor am I persuaded that there is enough evidence to show that HSBC agreed to hold back £500 of the disputed payment. In any event, when it concluded that the payments had been authorised by Mr B, any such hold back would have ended.

HSBC was not prepared to increase Mr B's overdraft in these circumstances. It is a commercial decision for a bank whether or not to allow a customer to increase their overdraft limit. This service does not normally interfere with a bank's legitimate commercial decisions and I see no reason to interfere with HSBC's decision about Mr B's overdraft.

HSBC has refunded £150 of charges to Mr B's account. I find that it would not be fair or reasonable for me to require it to take any other action in response to Mr B's complaint.

my final decision

For these reasons, my decision is that I do not uphold Mr B's complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr B to accept or reject my decision before 6 November 2015.

Jarrold Hastings
ombudsman