

complaint

Mrs E complains that HSBC Bank Plc will not refund money that was stolen from her in the branch.

background

Mrs E made a sizeable cash withdrawal at her HSBC branch. She says she set a number of items, including the envelopes with the cash in them, on a table in a corner of the branch while she went to the nearby coffee machine to get a drink.

When Mrs E turned back, she was shocked to see that the envelopes had been taken from the table. Mrs E says that HSBC was not proactive and left it to her to report the matter to the police, even though she is elderly. She found the branch staff dismissive and unhelpful.

Mrs E believes that if HSBC had had a security guard in the branch her money would not have been stolen. In all the circumstances, Mrs E considers that HSBC is liable to refund the money that was stolen.

HSBC said that, although it was sorry about what happened to Mrs E, it did not accept that it was liable for the theft of the money and so would not refund it. As things were not settled, Mrs E brought her complaint to this service where an adjudicator investigated it.

From the evidence, the adjudicator was not persuaded that HSBC was responsible for Mrs E's loss. But the adjudicator felt that HSBC should have provided better customer service to Mrs E in the branch following the theft, given the effect on her of what had happened. The adjudicator recommended that HSBC should pay Mrs E £250 as compensation for that.

HSBC agreed to pay the recommended amount. Mrs E did not think that was enough, given everything that happened on the day and afterwards. She said that she felt £1,000 would be an acceptable amount. As HSBC was not willing to increase its offer, the complaint was passed to me for an independent review and 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.

I can readily understand how shocked Mrs E must have felt when she realised her money had been stolen while she was getting her coffee nearby. But I can only find HSBC liable for her loss if I am satisfied that the loss was due to something it did wrong.

This was an opportunistic theft after Mrs E had set the envelopes down on a table and while her back was turned. HSBC was not obliged to provide a security guard in the branch, and there is nothing to suggest that HSBC did anything wrong in relation to the cash withdrawal. The fact that the theft took place in the branch would not, by itself, make HSBC responsible.

I have considerable sympathy for Mrs E, who has been the victim of crime. But, in the circumstances, I do not consider that HSBC is liable – either in law or in fairness – to replace the money that the thief stole. That said, I share the adjudicator's view that (given her age and the shock she had just sustained) Mrs E should have been given better support in the branch at the time.

This would not have lessened her loss, or prevented her being very distressed by what happened. But it would have given her some comfort in the immediate aftermath of the theft at the branch. I think Mrs E was entitled to expect that as a reasonable standard of customer service. In all the circumstances, I find that £250 is fair compensation for that lack of customer service.

Mrs E's suggestion of £1,000 as a fairer figure appears to be based on her upset at losing the cash but – given my findings – that is not what I am compensating her for.

HSBC followed the matter up with Mrs E, explaining why it was not willing to refund the money, though it seems that Mrs E may not fully have appreciated that her complaint had been responded to.

I understand that the police have since been in touch with HSBC about the theft, and HSBC has provided the relevant CCTV footage to help with the police investigation.

my final decision

My final decision is that HSBC Bank Plc must pay Mrs E £250.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs E to accept or reject my decision before 11 April 2016.

Jane Hingston
ombudsman