

## **complaint**

Mr K complains that HSBC Bank Plc won't compensate him for the things he says it's done wrong. Mr K says HSBC didn't help him when he got into financial difficulty and discriminated against him. Mr K also says HSBC was wrong to pursue him for an outstanding debt in his home country and says it has stolen money from him in connection with his claim for mis-sold Payment Protection Insurance (PPI).

## **background**

The background leading up to this complaint was set out clearly by the adjudicator, so I don't intend to repeat everything here. Briefly:

The adjudicator didn't uphold the complaint. She said she didn't think HSBC had done anything wrong in the way it dealt with Mr K's financial difficulty. She said she noted that Mr K had made an offer to repay his debts at a nominal amount each month. But HSBC didn't accept this. And despite requests from HSBC for Mr K to get in touch with it to make arrangements to pay, there's no evidence he did so. So it wasn't wrong to ultimately issue a default notice.

The adjudicator added that because the events Mr K had referred to – a discussion in a branch with a member of staff about his financial troubles - happened more than six years ago, there wasn't enough evidence to say HSBC had discriminated against him.

The adjudicator also concluded that it wasn't unreasonable for HSBC to trace and attempt to make contact with Mr K about the outstanding debt using an address in his home country.

In relation to what Mr K said about HSBC taking money from him – the adjudicator said she didn't think it was wrong or unfair of HSBC to use the PPI compensation it awarded him to go towards reducing Mr K's outstanding debt with it.

Finally the adjudicator noted that although Mr K had raised concerns that his representative which dealt with his PPI complaint was now pursuing him for its fee, this wasn't because of any error on HSBC's part.

Mr K disagrees with the adjudicator's conclusions, so the complaint comes to me to decide.

## **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'm sorry to disappoint Mr K, but I think the adjudicator's reached entirely the right outcome here. And I think she's explained things very clearly. So I don't think there's much I can usefully add to what she's already told Mr K.

Like the adjudicator said, Mr K's reference to being discriminated against is a conversation he says he had with a member of HSBC branch staff more than six years ago. Because Mr K hasn't given us much detail about this and HSBC doesn't have any record of this discussion, I can't say that it's likely HSBC did discriminate against him in the way he says.

Mr K's said he doesn't think HSBC did enough to help him when he was having money troubles – he thinks HSBC should've "frozen" his debt. But I don't think it did anything wrong. I can't see that Mr K made further attempts to correspond with HSBC about how he intended to repay the debt after it rejected his initial offer of a nominal monthly amount. And no payments were made. So I can understand why HSBC ultimately issued a default notice when it couldn't reach him or didn't hear from him again.

I can see Mr K believes HSBC should've obtained a European court order before pursuing him for the debt in his home county. But I don't think it needed to do that. In any case, I don't think it was unfair or unreasonable for it to attempt to trace Mr K and to seek repayment from him of an undisputed outstanding debt regardless of where he might've been living.

Mr K thinks HSBC was wrong – he says it amounts to theft – to use his PPI compensation it awarded him to offset or reduce the amount he owed them. But I disagree. I think it was fair of it do this – it owed Mr K some money, but he owed them more. And the PPI was connected with the debt in question. It's also in line with what we would normally tell a business to do if we upheld a complaint with similar circumstances and awarded compensation.

Finally I understand Mr K is also disappointed with how HSBC dealt with his PPI compensation because his representative who acted on his behalf in handling his complaint is demanding payment of its fee. But this is a matter between Mr K and his representative. HSBC's done nothing wrong, so it's not something for me to interfere with.

So overall, because I don't think HSBC has done anything wrong in this case, it doesn't need to do anything to put things right.

### **my final decision**

For the reasons I've set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 23 May 2016.

Paul Featherstone  
**ombudsman**