

complaint

Mr N complains that HSBC Bank Plc did not do enough to identify unusual spending on his account which he says he did not authorise.

background

Mr N gave his son his card and PIN to help him manage his finances. He says his son made payments, including for online gambling, which he did not authorise.

The investigator did not recommend that the complaint be upheld. He said that:

- The terms and conditions of his account say that he should not disclose his account details.
- The pattern of payments was not identified by the fraud detection systems in place at HSBC.
- Mr N would need to pursue this through other means and he had not wanted to support the prosecution of his son for fraud.

Mr N did not agree. He said that he accepted with hindsight that it was an error to give his son control of his account. But he maintained that the highly unusual activity on the account should have been picked up. He disputes payments and transfers totalling over £28,000 between October 2015 and August 2016. He said that HSBC's fraud detection systems were inadequate.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

This service does not have a role in reviewing the adequacy of bank processes. It's a matter for HSBC to decide what measures it puts in place and it's said that these payments did not trigger any alerts. I can't say that this was a mistake.

The reason why these payments were made was because Mr N allowed his son free access to his account. I understand he says his son breached the trust he placed in him. And Mr N has now clarified that these payments took place over many months. I know he faced difficult personal circumstances at the time. But I'm afraid I think he also reasonably had an opportunity to identify what was happening.

I know Mr N will be very disappointed when I say that I don't have a basis to require HSBC to refund any of these payments. In my view this is a civil matter between Mr N and his son.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr N to accept or reject my decision before 30 October 2017.

Michael Crewe
ombudsman