

The complaint

Mrs R has complained that HSBC UK Bank Plc (“HSBC”) closed her account without warning. Mrs R is also unhappy that HSBC didn’t provide her with a tablet device, despite informing her that she was eligible to receive one.

What happened

Mrs R was told by staff in a HSBC branch that she would be eligible for a ‘community tablet’, which I understand HSBC was handing out to customers who met certain eligibility criteria. Mrs R was told that to get one, she would need to attend a specific branch of HSBC. However, when Mrs R went to the branch in question, she was told she was not eligible for a community tablet.

During her branch visit, I understand that matters got heated. Mrs R did leave the branch but a customer who was in the doorway speaking to a member of staff pulled her out of the way, resulting in her handbag strap being damaged. As a result of this, Mrs R was in fear of what the person may do to her, so she re-entered the branch and also called the police to report that she’d been assaulted by the customer. I understand at this point HSBC also called the police, as Mrs R had already spent a long time in branch and she was, in summary, becoming a nuisance. The police attended branch and ultimately made Mrs R leave the branch.

Following these events, on 13 April 2023 HSBC took the decision to close Mrs R’s bank accounts with immediate effect.

After referring her complaint to the Financial Ombudsman Service, one of our investigators assessed the complaint. They concluded that Mrs R was not eligible for a community tablet. They also concluded that HSBC’s decision to close Mrs R’s account without notice was reasonable in the circumstances.

Mrs R disagreed with the investigators assessment, so the matter was referred for an ombudsman’s decision.

What I’ve decided – and why

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

Having reviewed everything, I don’t think that HSBC has acted unfairly or unreasonably. So I don’t uphold this complaint. I will explain why.

Firstly, I note that matters came to a head because Mrs R had been sent to the HSBC branch by another HSBC Branch, and Mrs R was confident – based on what she’d already been told – that she was able to get a community tablet. As such, I do appreciate why Mrs R may’ve been disappointed when she was told she wasn’t eligible for one, despite having been told before that she was.

I have considered whether what Mrs R was told during her branch visit i.e. that she was not eligible for a tablet, was correct. HSBC has provided its eligibility criteria for the community tablet scheme. It says:

“Eligibility

This programme is open to customers who meet all of the following criteria, they:

...

- Are not registered for or currently not using Online or Mobile Banking (due to not having a suitable device)*
- Do not have a device that they use for accessing the internet*

...

HSBC has confirmed, and established with Mrs R during the branch visit, that Mrs R already had a smart phone and she had already signed up for HSBC's internet banking service, prior to her branch visit. As such, I'm satisfied that Mrs R was not eligible to receive a tablet from HSBC under its community tablet scheme – and that is the case regardless of the state of her smart devices. I'm also satisfied that it was clearly communicated to Mrs R whilst she was in branch that she was not able to have one.

Looking through Mrs R's testimony and the supporting evidence, it seems that Mrs R essentially refused to accept what she was being told by HSBC - resulting in her remaining in the branch for around 3 hours, before she eventually left. I accept it was unfortunate that Mrs R's hopes had been raised after she'd been given wrong information beforehand. I can see that HSBC has apologised for previously giving Mrs R the wrong information and for getting her hopes up. In my view, this is reasonable. But I can't say that HSBC acted unfairly or unreasonably because it ultimately refused to provide Mrs R with a tablet – as it did so in-line with the terms and conditions of the tablet scheme.

Turning now to the events that occurred during Mrs R's branch visit – which ultimately led HSBC to decide to close Mrs R's account, it's clear that Mrs R became frustrated and upset after being told she couldn't have a tablet. Looking through all of the evidence that is available, including the police reports, I'm satisfied, albeit on balance, that Mrs R likely had spent a large amount of time in branch and this was viewed by staff as her refusing to leave.

During the time that Mrs R was in branch, it also seems Mrs R likely did exhibit unreasonable and inappropriate behaviour. I don't think that the branch staff would've called the police unless Mrs R's behaviour had given it cause to. I'm also satisfied, again on the balance of probabilities, that Mrs R likely did make inappropriate comments during her in-branch protestations.

In terms of HSBC's decision to close Mrs R's account without notice, its account terms and conditions say:

“How we can end this agreement and close accounts

Sometimes we can end the agreement and close your accounts straight away and not give you any notice. We'll only do this if certain things happen. We've set these out below.

- ♦ You've seriously or persistently broken this agreement.*
- ♦ You've behaved inappropriately either to us or when using our services. For example, you acted abusively, offensively or violently towards employees or used abusive language in payment instructions.*
- ♦ You weren't entitled, or aren't entitled any longer, to open or have your account or the service.*
- ♦ You haven't given us information that we've asked for about your tax situation.*
- ♦ You've given us false information.”*

Based on the above, and given Mrs R's unreasonable behaviour whilst in branch, I think HSBC's decision to close Mrs R's account without notice was reasonable and in-line with the terms and conditions of her account.

As such, whilst I recognise Mrs R's dissatisfaction and anger at HSBC's actions, overall, I can't say that it has done anything wrong or acted unfairly or unreasonably towards her by deciding to close her account.

Finally, I note that Mrs R has said that as she stepped out of the branch, she was pulled to one side by another customer, which led to her going back into the branch in fear. Mrs R says that would not have happened had she not been treated the way she was by HSBC. Nevertheless, I can't reasonably hold HSBC responsible for the actions of another customer and as that is a police matter, Mrs R will need to take matters up with the police, if she is still unhappy with how the matter was handled.

My final decision

Because of the reasons given above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs R to accept or reject my decision before 1 February 2024.

Thomas White
Ombudsman