

## **The complaint**

Mr D is unhappy that HSBC UK Bank Plc can't provide him with a copy of a cheque he deposited into his account.

## **What happened**

Mr D deposited a cheque for £1,000 from a third-party bank ("Bank X") into his HSBC account. Some time later, Mr D asked HSBC to provide a copy of the Bank X cheque that he'd deposited. But HSBC couldn't find any record of a cheque from Bank X being received into Mr D's account. Mr D wasn't happy about this, so he raised a complaint.

HSBC responded to Mr D and confirmed they had no record of receiving a cheque from Bank X. HSBC also noted they can't provide a copy of a cheque they didn't receive. Mr D wasn't satisfied with HSBC's response, so he referred his complaint to this service.

One of our investigators looked at this complaint. But they didn't feel HSBC had acted unfairly in how they'd managed the situation and so didn't uphold the complaint. Mr D remained dissatisfied, so the matter was escalated to an ombudsman for a final 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 done so, I'd like to begin by confirming that this service isn't a regulatory body or a Court of Law and doesn't operate as such. Instead, this service is an informal, impartial dispute resolution service. And while we do take relevant law and regulation into account when arriving at our decisions, our remit is focussed on determining whether we feel a fair or unfair outcome has occurred – from an impartial perspective, after taking all the factors and circumstances of a complaint into consideration.

I clarify the above because Mr D has made several references in his correspondence with this service to legal matters and has said that he feels that HSBC are acting unlawfully by not providing him with a copy of the cheque he's asking for. But, as explained, this service isn't a Court of Law, and so it isn't within my remit to decide whether HSBC have acted lawfully or not. If Mr D wants such a decision, he would need to seek one via a Court of Law.

I also note that Mr D has provided several detailed submissions to this service regarding his complaint. I'd like to thank Mr D for these submissions, and I hope he doesn't consider it a discourtesy that I won't be responding in similar detail here. Instead, I've focussed on what I consider to be the key aspects of this complaint, in line with this service's role as an informal dispute resolution service.

This means that if Mr D notes that I haven't addressed a specific point he's raised, it shouldn't be taken from this that I haven't considered that point – I can confirm that I've read and considered all the submissions provided by both Mr D and HSBC. Rather, it should be taken that I have considered that point but that I don't feel it necessary to address it directly

in this letter to arrive at what I consider to be a fair resolution to this complaint, in line with the remit of this service previously described.

Mr D believes he deposited a cheque from Bank X. HSBC have conducted a thorough review of Mr D's account and have no record of receiving a cheque from Bank X as Mr D claims. HSBC do have record of receiving cheques from other banks at the time that Mr D believes he deposited a cheque from Bank X, but have no record of a cheque from Bank X.

Mr D feels that he's been able to demonstrate that he did deposit a cheque from Bank X. But I'm not convinced by Mr D's argument here. Notably, Mr D hasn't been able to provide anything which shows a Bank X sort-code. And I don't accept that the handwritten note on a HSBC bank statement that Mr D has provided is a viable proof of deposit as Mr D believes.

This is especially the case given that the handwritten note on the statement appears to be incorrect. I say this because the note lists a £2,000 deposit – that HSBC have confirmed was received into Mr D's account as a singular cheque from a payee which wasn't Bank X – as being a cheque from another bank, with '+ Bank X', added, apparently as an addendum. And I feel that it may well be this seemingly incorrect note that may have caused Mr D to believe that he did deposit a Bank X cheque as he maintains.

Ultimately, given all that I've explained above, I feel that it's likely that Mr D didn't deposit a Bank X cheque into his HSBC account as he believes that he did. It follows from this that I don't feel that HSBC have acted unfairly here, because, as HSBC have explained, they can't provide a copy of a cheque that they have never received.

All of which means that I won't be upholding this complaint or instructing HSBC to take any further action here. I trust that Mr D will understand, given what I've explained, why I've made the final decision that I have.

### **My final decision**

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 15 May 2024.

Paul Cooper  
**Ombudsman**