

The complaint

Mr C says that HSBC UK Bank Plc lost some of the cash he deposited.

What happened

On 4 July 2023, Mr C used two cash deposit machines at an HSBC branch. He says he walked in with £18,000 from the sale of one or more vehicles.

Mr C was warned by the branch staff that the amount he was trying to deposit looked too large and would likely cause a jam. He was referred to a more suitable branch. But Mr C insisted on proceeding.

Some of the cash did jam, which the branch staff removed and handed back to Mr C. But Mr C says £1,550 of his cash went missing and was unaccounted for. He says that the staff member told him there was probably more money stuck in the machines than what was found. He wanted an engineer to be called out.

HSBC found that both machines were working, they balanced correctly, and there was no extra cash inside. They checked the camera footage at the time, and found that the staff member was always with someone and was never alone with the cash. The staff member made a signed statement that they retrieved all the jammed cash, and it was only Mr C who said there was more money than what was found. Mr C was unable to evidence the sale of the vehicle(s) for which he got the cash.

Our Investigator looked into things independently and didn't uphold the complaint. Mr C didn't agree, so the complaint's been passed to me to decide.

I sent Mr C and HSBC a provisional decision on 1 July 2024, to explain why I didn't think the complaint should be upheld. In that decision, I said:

According to the machines' electronic records, Mr C made a number of deposits. Aside from some notes jamming, these went through successfully without any errors. And once the jam was removed, it worked again. There were no attempted deposits or amounts of cash which were unaccounted for, nor any cash kept in the machines which did not credit Mr C's account. The amounts credited match up to Mr C's receipts.

I cannot see that there were any relevant errors which would've caused £1,550 of cash to go missing. And other customers were able to successfully deposit cash before and after Mr C.

If the machines had withheld £1,550, or otherwise failed to credit £1,550 to Mr C's account, then I'd expect them to have had £1,550 or so of extra cash in them afterwards. But the machines were checked for balancing the following morning, and the cash transactions from the past day balanced exactly. One machine had just £20 extra cash in it, but this came from a previous day's transactions and was already accounted for from before Mr C's deposits.

So the relevant records all support that Mr C's account was credited with the correct amounts.

Mr C has asked for a statement from the relevant branch staff member, which he feels would support his story. But we already have that. The staff member confirmed that while some cash did jam, they retrieved all the cash with the help of colleagues and gave it to Mr C. They did not agree that there was cash missing or left unattended – they confirmed it was Mr C who claimed there was cash missing. Their testimony is supported by another signed statement from another branch staff member who was there that day.

I can appreciate why Mr C would like to see CCTV footage of his withdrawal. That kind of footage is only kept for a short time – usually less than a month – so I'm afraid it's much too late for me to be able to view it now. But HSBC did get three staff members to view it at the time, independently of the branch staff involved, and to make a signed statement. They confirm they watched the staff member retrieve the cash with assistance, and the staff were never alone with the cash. Mr C confirmed himself that there was no one else present in branch who could've taken the cash.

So the staff's testimonies also support that all the cash was either deposited into Mr C's account or retrieved and given back to him.

We tried to help Mr C to support his claim by asking him for evidence of where he got the cash – as if he received £18,000 for the sale of a vehicle then this should have been relatively straightforward for him to evidence. We set out all the evidence he could get.

Mr C was unable to provide any proper bill of sale, receipt, paperwork, DVLA confirmation, or contact with buyers for any of the claimed sales, even though he should've had this as standard. He provided an email from a car selling website, but this was undated and doesn't show anything I can rely on. And he provided a handwritten note saying he'd sold a vehicle, but this could've been written by anyone at any time. We submitted the vehicle registrations he gave us to the DVLA, and found that only one of the vehicles had been sold around the time he said it was. Further, even if I accept that the vehicles were sold, we ran the provided registrations through a vehicle intelligence service, and found that based on their estimated values at the time, it's unlikely that Mr C would have sold them for as much as £18,000.

I've listened to Mr C's calls with HSBC and our service, and I'm afraid I also need to point out that Mr C's testimony has been contradictory. For example, at one point he said that all the £18,000 came from the sale of a single vehicle, and that the buyer had counted out the full £18,000 in front of him before he went to branch. At another point, he said £17,000 came from the sale of one vehicle, and £1,000 from the other vehicle. At another, he said £14,750 came from the sale of one vehicle, and £3,250 from the other vehicle. And after we pressed Mr C for evidence of the sales, he's now said that one vehicle sold for £1,050 and the other for £2,200 – a long way from the £18,000 total he claimed. This means I cannot reasonably rely on Mr C's testimony.

Mr C argued that he'd have no reason to lie. But he'd stand to gain £1,550 plus interest. It's also plausible that he's telling what he believes to be the truth, and he's simply mistaken about how much cash he had that day.

I also appreciate Mr C is unhappy that HSBC didn't get an engineer in. But given that the machines appear to have been working, there was no requirement to hire an engineer.

So I'm satisfied from the electronic records that the money did not remain stuck in the machines. There doesn't seem to have been any reasonable opportunity for a staff member to have misplaced the cash, the relevant footage was checked by multiple separate staff, and I have no reasonable basis on which to accuse the branch staff of any wrongdoing. There was no one else present who could've taken the cash. There's no evidence that Mr C had the £18,000 cash he says he had, even when such evidence would normally be readily available, it's unlikely that he sold the stated vehicles for that much, and his testimony has been unreliable. And I've not found anything which shows or substantiates that any cash went missing here. Instead, the evidence I have supports that Mr C was credited with the amounts he successfully deposited, and that any jammed cash was given back to him. So I don't have a fair basis on which to tell HSBC to reimburse anything to Mr C. This is a difficult message for me to give, and I know it's a difficult message for Mr C to receive. But given the evidence I have so far, and the balance of probabilities, I'm currently unable to reasonably reach any other conclusion.

In response to the provisional decision, HSBC let us know they had nothing further to add. 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.

Mr C said I'd suggested the wrong amount for what he was claiming, and that he'd claimed for a £1,540 shortfall not a £1,550 shortfall. However, Mr C's own previous correspondence used the figure of £1,550. For example, to quote Mr C directly: "*there was definitely £1,550 missing*" (2 February 2024) and "*I have no reason to lie, and expect this £1,550 back plus interest*" (26 June 2024).

Mr C pointed out that one of the vehicles was shown as being sold on the DVLA's records, which he felt I'd overlooked. But I already noted that in the provisional decision, where I said: "*We submitted the vehicle registrations he gave us to the DVLA, and found that only one of the vehicles had been sold around the time he said it was.*"

Mr C provided screenshots of similar vehicles from a vehicle selling website, to show roughly what his vehicles would've been worth. But these only reinforce what we found from our intelligence service – i.e. that it's unlikely he would've got as much as £18,000 from the sale of these vehicles.

Mr C accepted he'd got his story confused, but felt it wasn't relevant. It's relevant because it evidences that his testimony is inconsistent and therefore unreliable. This means we can't reasonably rely on his assertion that he walked into the branch with £18,000 of cash, not least when all the relevant records support that he didn't.

Mr C said he was very financially stable and had no reason to unduly claim the money. He also felt like he was being accused of lying. As set out before, he'd have a clear reason to make this claim – to gain £1,550 plus interest. My decision is not a judgement of Mr C's character, but I do need to judge the evidence at hand – including his testimony – and so it's relevant to point out that his testimony has been contradictory and unreliable. As I said, it's very much plausible that Mr C is telling what he believes to be the truth, and that he's simply mistaken about how much cash he had that day. That would also explain why he's been unable to consistently say how much cash he got for each vehicle. But even then, it means I have no fair basis on which to conclude that HSBC misplaced any cash.

Mr C said the staff's statement was rubbish, and insisted they'd told him there was probably cash stuck in the machine which would later be credited to his account. But that's not reflected in what the staff said, their signed statement was also backed up by another staff member who was present that day, and footage from the time was reviewed by three separate staff members who confirmed they were not alone with the cash at any point. The staff's signed statements are consistent, credible, and plausible, and I've found no good reason to doubt them. Further, the relevant records – the machines' electronic records, the other customers' transactions, the receipts, and the balancing data – all substantiate that Mr C's account was credited with the correct amounts and that no extra cash was stuck in the machines. So even if the staff member had said what Mr C claims they did, the other evidence would support that they were mistaken and that no extra cash was stuck.

Mr C insisted that HSBC should've got an engineer at his request. But as explained in the provisional decision, there was no requirement to hire an engineer here.

Lastly, Mr C said that the matter had taken a lot of time and stress on his part. But while I'm sorry to hear that, I've found that HSBC dealt with the matter fairly and came to the right outcome. So I have no reason to award any compensation for the time or stress involved.

So having reconsidered the case, I've come to the same conclusion as before, for the reasons set out above.

My final decision

I do not uphold Mr C's complaint.

This final decision marks the end of our service's consideration of the case.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 5 August 2024.

Adam Charles
Ombudsman