

The complaint

Mrs E and Mr S complain that London and Country Mortgages Ltd says it sent documents back to them by special delivery, that they had provided as part of their mortgage application, but the documents never arrived.

Mrs E and Mr S say London and Country should have done more to assist them in locating the missing items. They say they have experienced significant inconvenience trying to replace the lost items.

What happened

I understand that Mrs E and Mr S were using London and Country to arrange a mortgage for them. As part of the application process Mr S was asked to provide his passport and residency permit.

London and Country have provided evidence to show that the items were sent back to Mrs E and Mr S on 29 March 2021 by special delivery. Unfortunately, they were never received.

Mrs E and Mr S contacted London and Country when the documents failed to arrive. It gave them what it said was the relevant Royal Mail tracking number. But when Mrs E and Mr S input the tracking number it was not recognised by the 'track your item' function on Royal Mail's website. Mrs E and Mr S say they also visited their local post office, the delivery office, and rang Royal Mail in an attempt to trace the lost package. However, it was not found.

Mrs E and Mr S complained to London and Country as they felt it had not done enough to help them trace the lost documents.

London and Country didn't uphold their complaint. It said that it had provided the correct tracking number so that Mrs E and Mr S could try to trace the missing package. And it said that once post had been collected from its offices it was the responsibility of Royal Mail. It said it could not do anything further to assist Mrs E and Mr S to trace the missing package and suggested that they should *'...raise any concerns regarding this with Royal Mail directly as this is outside of our control'*.

Mrs E and Mr S weren't satisfied with London and Country's response and referred the matter to this service.

Our investigator said he felt London and Country could have done more to assist Mrs E and Mr S, particularly given the importance of the documents that had been lost and the difficulty Mr S would face in trying to replace them.

He noted that London and Country had checked whether other special delivery items it sent at the same time as Mrs E and Mr S's package had been received. It also spoke to Royal Mail and was advised to log the missing package, in order for an investigation to be carried out.

But, for whatever reason, it appeared that London and Country didn't log the missing package with Royal Mail, or put in a claim for compensation. Likewise it appeared that London and Country hadn't told Mrs E and Mr S that if the documents were found by Royal Mail they would be sent to its National Returns Department, who would in turn send them to the embassy of the country of origin.

He accepted that it was more likely than not that Royal Mail had lost the documents. But he said he felt London and Country should have done more to assist Mrs E and Mr S once they notified it that they had not received the documents it had sent to them.

He noted that Mr S would have to pay for a replacement passport, and he would also have the inconvenience of having to arrange to replace both the passport and the proof of residency. Mr S told this service that an application for a new job had also been delayed as he had not been able to provide the necessary documentation.

The investigator said he felt London and Country should pay Mrs E and Mr S £150 for the trouble and inconvenience its failure to assist them had caused. He said he felt London and Country was in the best position to trace the missing items, because as the sender it had the proof of posting. But he said he was also mindful that Mrs E and Mr S could have put in a claim for the missing package with Royal Mail and it wasn't clear to him why they hadn't done so.

London and Country did not accept our investigator's view. It said it felt strongly that it had acted responsibly by using Royal Mail's special delivery service to return the documents it had requested. And it said it felt Royal Mail was responsible for the documents once it had collected the package.

It reiterated that it felt any distress and inconvenience Mrs E and Mr S had suffered '*was caused solely by Royal Mail as it is them, not us, who lost the items...*'

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, like our investigator I think London and Country should have done more to assist Mrs E and Mr S once it became aware that the documents it had posted back to them had not arrived.

I accept that it is most likely that the package was lost by Royal Mail. But I am mindful that London and Country may have failed to apply the special delivery bar code sticker to the envelope. This would explain why Royal Mail did not recognise the tracking number London and Country held.

However, even if I accept that the package was lost by Royal Mail, and I do think this seems the most likely explanation, I don't agree with London and Country's view that the trouble and upset this matter caused Mrs E and Mr S '*was caused solely by Royal Mail*'. I'll explain why.

London and Country knew how important the documents that had been lost were. I think it also ought reasonably to have known that replacing the documents would cause Mr S some difficulty and would be likely to incur costs for him.

As this was the case I think it would have been reasonable for London and Country to have registered a claim with Royal Mail as soon as it was made aware that the package hadn't arrived with Mrs E and Mr S. I note that the Citizens Advice website says:
'It's usually easier for the sender to claim because they're more likely to have the evidence that's needed.'

I appreciate that London and Country provided the evidence it held to Mrs E and Mr S but, I think that in the circumstances of this complaint, it could have done more to assist them. This is particularly the case as Royal Mail didn't recognise the tracking number that it held so there was a possibility that the package had been lost due to a failure by London and Country to attach the tracking barcode to the package.

As London and Country will know, it is required to treat its customers fairly. In this case, given the importance of the missing documents and that the package may have been lost due to an error by London and Country, I think it should have promptly made a claim for the missing package with Royal Mail and it should also have advised Mr S to contact his embassy to cancel his passport in order to stop anyone using it to impersonate him.

However, I do accept that Mrs E and Mr S could have logged a claim with Royal Mail, and it is not clear to me why they didn't do so.

As this is the case, I think the £150 our investigator recommended that London and County should pay Mrs E and Mr S is fair and reasonable in the circumstances of this complaint.

Putting things right

London and County Mortgages Ltd should pay Mrs E and Mr S £150 for the trouble and upset its failure to assist Mrs E and Mr S more fully in this matter has caused.

My final decision

My decision is that, for the reasons I have set out above, I uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs E and Mr S to accept or reject my decision before 17 January 2022.

Suzannah Stuart
Ombudsman