

The complaint

Mrs D and Mr D complain that Brazier Consulting Services Ltd (BCS) failed to pursue mis-sold payment protection insurance (PPI) claims which meant they'd lost the opportunity to have their complaint investigated.

What happened

In July 2019, Mrs D and Mr D instructed BCS to pursue PPI claims with their lenders. Mrs D and Mr D said that one of their lenders I'll call "S" said PPI was found on six of the accounts that he had with them, but BCS failed to pursue their claims. Mrs D and Mr D said BCS told them their claims were being investigated by "S" but they'd been delayed because of the pandemic. Mrs D and Mr D complained to BCS.

BCS sent Mrs D and Mr D copies of the letters they'd had from "S". and this showed "S" had found PPI on six accounts for Mrs D and Mr D. But to investigate whether the PPI had been mis-sold they needed a letter of complaint. "S" gave BCS a 12 week deadline to send the letter of complaint.

Mrs D and Mr D asked BCS for evidence they'd sent the letter of complaint but BCS didn't respond. Mrs D and Mr D said when they asked their lender "S" about their mis-sold PPI claims they said "S" told them they hadn't received a complaint from BCS. As BCS wasn't responding to them Mrs D and Mr D brought their complaint to us.

Our investigator agreed that Mrs D and Mr D had suffered loss of opportunity. While he couldn't say whether Mrs D and Mr D's claims would have been successful, they'd shown that "S" had said there was PPI on six of their accounts. To know this would have been upsetting for Mrs D and Mr D so he said BCS should pay them £500 for the distress and inconvenience that had been caused. He also said that BCS had failed in keeping Mrs D and Mr D updated about their claim(s) and said they should also pay £75 for poor customer service.

Mrs D and Mr D didn't agree they said that one of the accounts that PPI had been found on was their mortgage account which they'd had since 1983. They said they should be compensated for the financial loss caused by BCS. They asked for an ombudsman to decide.

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 uphold this complaint. I'll explain why.

Mrs D and Mr D's main dispute centres around the potential for their PPI claim with "S" to have been successful.

It's not in dispute that Mrs D and Mr D instructed BCS to check whether they'd been mis-sold any PPI. And that BCS submitted a signed letter of authority (LoA) to Mrs D and Mr D's lenders.

BCS haven't responded to our requests for information but Mrs D and Mr D have provided correspondence sent to them by BCS.

I can see that for two of Mrs D and Mr D lenders, I'll call "H" and "N" they were told by BCS that for one there'd been a previous claim made. And for the other they didn't find any PPI.

But for lender "S" I can see that in October 2019 BCS told Mrs D and Mr D that "S" had found PPI and that BCS *"were about to submit a claim"*. And in November 2019 they told Mrs D and Mr D that they'd *"resubmitted your claim"*.

The Financial Conduct Authority (FCA) deemed 29 August 2019 as the deadline for PPI claims to be made. For some lenders the submission of a LoA was accepted as a claim for mis-sold PPI and no further information was needed for them to investigate the mis-sold PPI claim. This is generally referred to as the claim being "auto converted". But for others a formal complaint with supporting information was required. Any claim received after the 29 August 2019 deadline wouldn't have been accepted by the lender(s) unless there were exceptional circumstances for doing so.

I can see in September 2019 "S" told BCS that they didn't automatically convert a request for information into a complaint about mis-sold PPI. And that a PPI complaint needed to be made to them within 12 weeks of the date of the letter. If the PPI complaint wasn't received within the 12 weeks they said they would close the case.

BCS haven't responded to our requests for information so I haven't seen that a letter of complaint was sent or resubmitted by BCS to "S". And I can see that BCS have only confirmed to Mrs D and Mr D that they'd submitted a LoA. So, I'm persuaded by Mrs D and Mr D's testimony that "S" told them they hadn't received a PPI complaint.

It's not in dispute that Mrs D and Mr D had accounts that had PPI. But the accounts having PPI doesn't mean Mrs D and Mr D's claim that they'd been mis-sold PPI would have been successful. As well as PPI being located on an account, "S" would also have needed to decide whether the PPI was mis-sold. And as they said they hadn't received a letter of complaint they'd closed the claim before investigating and confirming their decision on this.

I can't know whether Mrs D and Mr D's mis-sold PPI claims would have been successful or speculate on whether their mis-sold PPI claim would have been upheld. But I do agree that by BCS failing to send the information to "S" Mrs D and Mr D lost the opportunity for their claim to be fully investigated. I think it would have been upsetting to know that because BCS hadn't submitted a letter of complaint before the 12 week deadline date their PPI claims couldn't be decided on. So, I think BCS should compensate Mrs D and Mr D for this.

I know Mrs D and Mr D thinks BCS should reimburse them the compensation they could have received if his complaint had been fully investigated by "S". But as I outlined above, I can't know if that claim would have been successful as there are several factors that "S" would have needed to consider. So, I agree with our investigator that BCS should compensate Mrs D and Mr D £500 for the distress and inconvenience that has been caused to them.

I've also considered the service BCS gave to Mrs D and Mr D. CMCOB provides guidance about how a claims management company such as BCS should keep their customers informed about their claims. And I don't think BCS have kept Mrs D and Mr D as informed as

they should have. So I think its fair and reasonable for BCS to pay Mrs D and Mr D £75 for the inconvenience this has caused.

I understand this isn't the outcome Mrs D and Mr D hoped for. And I recognise they won't feel as though this addresses their potential financial loss, or their feeling of being let down by BCS. But I hope they understand why I came to this decision.

My final decision

I uphold this complaint. And ask Brazier Consulting Services Ltd to compensate Mrs D and Mr D for the distress and inconvenience caused by paying them:

- £500 for loss of opportunity and
- £75 for poor customer service

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D and Mr D to accept or reject my decision before 9 September 2022.

Anne Scarr
Ombudsman