

## **The complaint**

Miss W complains that Brazier Consulting Services Ltd failed to pursue a mis-sold payment protection insurance (PPI) claim.

## **What happened**

Miss W said that in November 2018 she asked Brazier to pursue a mis-sold PPI claim with her mortgage lender, I'll call "H". Miss W said she asked several times for an update, but said she was only told there was a backlog. Miss W said that in February 2020 she'd signed another letter of authority (LoA) as Brazier told her she'd have to pay a fee if she cancelled the agreement. Despite further calls asking Brazier for an update Miss W said she still hasn't had an answer about whether PPI had been mis-sold to her. She complained to Brazier.

Brazier didn't respond so Miss W referred her complaint to us.

Brazier said Miss W had signed a LoA in January 2019 and they'd sent this to "H". But "H" hadn't been able to locate Miss W's account, so they'd resent the LoA several times and also asked Miss W to sign another LoA which again they'd sent to "H". Brazier suggested Miss W contact "H" herself and they'd cancel her agreement with them without charging their cancellation fee.

Our investigator asked Brazier to provide their business file, including copies of the LoA's, any claim notes and call recordings. And for confirmation that a mis-sold PPI claim had been made by them for Miss W before the August 2019 deadline for making such claims. But Brazier hasn't provided this.

Our investigator said Brazier hadn't shown they'd done enough which meant Miss W had lost the opportunity to have a mis-sold PPI claim investigated. He said Brazier should compensate Miss W, £250 for this.

Brazier again didn't respond so Miss W's complaint has been referred to 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'm upholding this complaint. I'll explain why. Miss W's dispute centres around the potential for a mis-sold PPI claim with "H" to have been successful. Where the available evidence for a complaint is limited, such as the case here, I base my decision on what I think most likely happened.

The Financial Conduct Authority (FCA) deemed 29 August 2019 as the deadline for mis-sold PPI claims to be made. Leading up to the August PPI deadline many claims management

companies, such as Brazier amended their terms and conditions in recognition of the expected high volume of claims. And reflected that lenders could investigate any claim based on a data subject request, such as an LoA. So, 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. Any claim received after the 29 August 2019 deadline wouldn't be accepted by the lender(s) unless there were exceptional circumstances for doing so.

Brazier said they sent Miss W's LoA to "H" in January 2019, but "H" hadn't been able to locate an account for Miss W, so they'd resent the LoA several times, and asked Miss W to sign another LoA which they'd also sent. But where a lender is having difficulty in finding an account, I would have expected to see Brazier seeking further details from Miss W to help the lender to find any accounts she may have with them. As without an account there can't be a PPI claim made. But I can't see Brazier asked Miss W to provide any supporting information about her endowment mortgage to assist "H" in locating the account for them to determine whether Miss W had been mis-sold PPI or not. From what I can see Brazier just resent the LoA's. As they haven't shown me the LoA's they sent I can't see what information they contained.

Miss W said her endowment mortgage ended in the 1990's. And while Miss W hasn't provided any evidence of PPI premiums having been paid on the endowment mortgage, she has provided an annual mortgage statement (Deedstore) for 2001, which shows the account details. And I think Miss W would have sent this, if she'd been told by Brazier that "H" hadn't been able to locate an account for her. And if this information had been sent to "H" before the August 2019 they might have been able to determine whether Miss W had or hadn't been mis-sold PPI.

Brazier said they'd a LoA from Miss W in January 2019, so its not in dispute Miss W had authorised Brazier to act on her behalf in pursuing whether she'd any PPI. And I think this gave Brazier sufficient time to look to obtain the information needed by "H" to help them in identifying Miss W's account before the deadline.

But. I haven't seen any evidence that Brazier asked Miss W for any further information about her endowment mortgage after "H" told them they couldn't locate her account. And this meant "H" didn't investigate whether Miss W had been mis-sold PPI as they hadn't located an account for a mis-sold PPI claim to be made. So, I think Miss W has lost the opportunity for her claim to be fully investigated. And I think Brazier should compensate Miss W for this.

### **Putting things right**

I'm unable to speculate on whether Miss W was mis-sold PPI, and if she had been whether any claim would have been upheld by "H" as there are several factors that "H" would have had to consider. So, I can't know whether she would or wouldn't have received any redress. But I think she has been deprived of the opportunity for a mis-sold PPI claim to be considered.

Our investigator said Brazier should compensate Miss W the sum of £250 for loss of opportunity, I think this is fair and reasonable.

**My final decision**

I uphold this complaint. And ask Brazier Consulting Services Ltd to pay Miss W £250 for loss of opportunity.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss W to accept or reject my decision before 16 November 2022.

Anne Scarr  
**Ombudsman**