

The complaint

Mr D complains that Brazier Consulting Services Ltd (BCS) failed to pursue mis-sold payment protection insurance (PPI) claims which meant he's lost the opportunity to have his complaint investigated.

What happened

In 2019, Mr D said he'd instructed BCS to pursue mis-sold PPI claims on his behalf, but after three years he still hadn't had a response about any of his claims. Mr D said he'd about 15 mis-sold PPI claims with BCS that covered his bank, mortgage and catalogue. He said he called BCS several times for updates but got the same message, they'd heard nothing and would be in touch when they did. Mr D said BCS stopped taking call enquiries and would only accept email contact. But he didn't get any response to his emails as they kept "*bouncing back*". Mr D described contact with BCS as a "*brick wall*". Mr D said his ex-partner had made a claim about a loan she'd with one of the lenders and had a response from the claims management company she used within a few weeks with redress being paid. Mr D complained to BCS. But they didn't respond.

As BCS wasn't responding to him Mr D brought his complaint to us.

Our investigator said she couldn't say whether Mr D's claims would have been successful but as BCS hadn't shown they'd pursued his claims, she said Mr D had suffered a loss of opportunity. And BCS should compensate him £250 for this. She also said the lack of updates had caused Mr D distress and inconvenience. And asked BCS to pay a further £100 for this.

BCS responded to our investigators outcome saying they'd told Mr D in August 2020 they'd sent his letter of authority (LoA) to his lenders before the August 2019 deadline for making such claims. They'd also told him they'd received responses to all the claims except for one. And that owing to the pandemic responses from the lenders were delayed, which they'd updated Mr D about several times.

Mr D'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 uphold this complaint. I'll explain why.

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. 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.

Mr D's main dispute centres around the potential for mis-sold PPI claim with his lenders to have been successful. And Mr D was hopeful of success given his ex-partner had made similar successful claims.

BCS said they received LoA's from Mr D in June 2019 so it's not in dispute that he'd instructed BCS to check whether he'd been mis-sold any PPI.

BCS haven't responded to our requests for information except to say they'd received Mr D's LoA and that they'd had responses from all but one of his lenders. But I haven't seen any evidence, for example LoA's, case notes, or call recordings that would show what BCS has done in pursuance of his mis-sold PPI claims. BCS said they'd sent Mr D's LoA to his lenders before the August 2019 deadline, but I haven't seen any evidence to support that they have done this. Neither has BCS provided the responses they said they'd from the lenders to show the date of the response or what the nature of the response was – had the lender found PPI or not - did the lender ask for further information to identify Mr D had an account with them or to ask for further information to support Mr D's claim the PPI had been mis-sold.

So, I don't know if or when BCS received the responses or what the content of those responses was. And I haven't seen any evidence that BCS told Mr D about the responses, until an email in August 2020 over 12 months from the date BCS said they received Mr D's instructions and this only said they'd had them. So, I can't say they've complied with the relevant guidance, CMCOB 6.1.4 says:

"The firm must pass on to the customer, (a) any information received from a third party which is addressed to, or meant for, the attention of that customer; and (b) any request received by the firm from a third party for the supply of information by the customer that the firm does not already hold."

And that this should be done within 10 business days and in a durable medium.

BCS said they sent a general update notification to their customers as instructed about the impact of the pandemic. And said they'd sent this to Mr D about his claims in April 2020 and July 2020. They have shown us an audit trail of the letters being sent to an account in April 2020, and an example of the letter they were sending. But neither show a correlation specifically to Mr D's claims. And

CMCOB 6.1.9 says:

"A firm must provide each customer with an update on the progress of the claim at least once every six months, in a durable medium."

BCS have also said that one of Mr D's lenders had gone into administration. Again, I can't see any evidence that Mr D was told about this.

CMCOB 6.1.13 says:

"If a customer's claim is not successful, the firm must advise the customer of the available methods by which the customer may continue to pursue their claim"

And says this could be by complaining to an ombudsman or a compensation scheme without using BCS and without incurring a fee. But I haven't seen any evidence that Mr D was told this.

I can't know or speculate whether any of Mr D's mis-sold PPI claims would have been successful or not as there are several factors that lenders would have needed to consider. But BCS haven't persuaded me that they carried out Mr D's instructions to pursue his mis-sold PPI claims and I think he's lost the opportunity for any claim to be fully investigated. So, I think BCS should compensate Mr D £250 for this.

I've also considered the service BCS gave to Mr D. And I don't think BCS have kept Mr D as informed as they should have. So, I think it's fair and reasonable for BCS to pay Mr D £100 for the distress and inconvenience this has caused.

I understand Mr D probably won't feel as though this addresses his potential financial loss, or his feeling of being let down by BCS. But I hope he can understand my thinking for reaching my decision.

My final decision

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

- £250 for loss of opportunity and
- £100 for poor customer service

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 21 November 2022.

Anne Scarr
Ombudsman