

The complaint

E, a limited company, complains about poor service when it applied to The Mortgage Works (UK) Plc for a buy to let mortgage. E is represented by its director, who I'll refer to as Mr S. Mr S asks that TMW pays compensation, admits and apologises for its errors and improves its application process.

What happened

E applied to TMW for a mortgage in early 2024, via a broker. TMW instructed a valuation. Mr S was unhappy about the surveyor instructed by TMW. He said the surveyor had poor reviews and its business interests meant they might not be competent and impartial when carrying out the valuation. He was concerned the property would be undervalued.

TMW didn't agree to change the valuer. It said the broker could appeal if Mr S was unhappy with the valuation once it had taken place.

Mr S withdrew the application. He was unhappy about the choice of valuer and the information requested by the underwriters. He said this information hadn't been requested in the past and he considered it unnecessary.

Our investigator said TMW was entitled to instruct the valuers of its choice. She said while a member of TMW's staff didn't handle a call well, she didn't recommend that TMW pay compensation.

Mr S didn't agree and asked that an ombudsman re-consider the complaint. He said the investigator hadn't understood the main part of his complaint, which was about the way he was spoken to during a call on 20 February 2024. He says he asked the TMW staff member not to speak over him and they continued to do so and became agitated. Mr S says he should be compensated for this severe customer service failing.

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 S has told us that the main part of his complaint is the way he was spoken to during a call on 20 February 2024. Mr S called TMW four times on 20 February 2024. I've listened to recordings of these calls, as well as a call in late January 2024 and a number of later calls between Mr S and TMW's complaints team.

Mr S called TMW in late January 2024 to ask whether he'd have any input into which valuer would be instructed and if he'd be able to get the valuer changed. TMW said that wouldn't be possible.

Mr S called TMW again on 20 February 2024. Mr S said he wasn't happy with the surveyor instructed by TMW to value the property. Having read reviews, he didn't consider them to be competent and impartial and didn't think the valuation would be fair. TMW told Mr S that it

was unlikely it would change the valuer and would only consider doing so in response to a complaint. It said the broker would have to email a request to change the valuer giving the reasons why. It said the complaint would have to come from the broker. Mr S said he'd speak to the broker.

Mr S called a second time on 20 February 2024 and asked to make a complaint about the valuer. TMW said it could record the complaint or give him an email address to send concerns to the valuations team. Mr S wanted to make the complaint on the call. TMW recorded the complaint and explained the timescale for a response. It didn't agree to prioritise the complaint or mark it as urgent.

Mr S called again and asked for the complaints email address for valuations. TMW said the broker would have to submit the complaint. Mr S said he'd already made a complaint. The staff member put the call on hold while she checked what had happened. When she returned to the call, the staff member said senior staff had confirmed TMW wouldn't be changing the valuer. She said it couldn't record a complaint about a valuation that hadn't yet been carried out.

Mr S expressed his disagreement, saying the member of staff deliberately gave him false information and victimised him, and he would make a complaint about her conduct. Both parties talked over each other until the staff member said she'd end the call.

Mr S called TMW again a few minutes later. He asked for the email address for the valuations team. TMW told Mr S his concerns had been submitted as feedback. It said it couldn't raise a complaint about the valuer or the valuation before the valuation had been carried out. It said it had recorded Mr S's complaint about its choice of valuer and Mr S would need to wait for the complaints team to respond.

TMW's complaints team called Mr S a few times in late February 2024. In summary, it said as there was no complaint against the valuer firm itself, it couldn't change valuers. TMW didn't agree with Mr S's complaint about how he'd been spoken to during the call in February 2024. Mr S said the underwriters had gone back to the broker with requests for information which he didn't consider to be necessary. He said he was thinking of going elsewhere, given the problems with the valuation and the underwriters and that he could get better interest rates elsewhere. Mr S withdrew the application.

Did TMW make errors?

TMW instructs a valuation of the security property to help it make a lending decision. The valuation is carried out for the benefit of TMW. While I'd expect TMW to instruct a valuer that's suitably qualified, it is ultimately for TMW to choose who to instruct. The surveyors at the firm it instructed were suitably qualified and members of RICS. I don't think TMW had fairly to change valuers simply because Mr S preferred another firm or had concerns based on reviews he'd read.

Mr S says TMW's underwriters asked for more information than he'd expected or considered necessary. Each lender is entitled to make a commercial decision about its lending criteria and application process and what information it requires. Even if the information requested by TMW was unreasonable (I'm not making any findings about this) it wouldn't change the outcome of my decision. Mr S decided to withdraw the application. I think it's likely he'd have done so regardless of the request for further information, given his strong feelings about the valuer and that lower interest rates were available elsewhere.

I don't think TMW misled Mr S about its complaints process or whether it would change the valuer. I think it was fair for TMW to say that it couldn't look into a complaint about the valuer

or the valuation before the valuation had been carried out. Given that the application was submitted via a broker, I think it was fair for TMW to tell Mr S that its process was for the broker to raise a complaint about the choice of valuer. Mr S chose to call TMW directly and it submitted his feedback regarding the valuer and raised a complaint for him. I don't think this caused E any detriment.

Mr S says the staff member on the call in February 2024 was rude and he'd never been spoken to in that way. Mr S says the staff member was agitated and talked over him. I think it would be fairer to describe her as upset. The staff member wanted to respond to Mr S's comments. Unfortunately, both parties interrupted the other. The staff member could have handled the situation better or simply ended the call sooner, when it became clear it was unproductive to continue. However, I don't think her conduct was as described by Mr S or that it was such as to make it fair and reasonable to require TMW to pay compensation.

Is it fair and reasonable to require TMW to pay compensation or take further steps?

This service isn't a regulator. We don't have the power to fine businesses. If we find that a respondent has made an error, we can ask it to put matters right. When considering what compensation is fair and reasonable in the circumstances, we consider how the error has affected the complainant.

E is the eligible complainant under our rules. We can't usually require respondents to pay compensation to third parties (such as Mr S) or for the upset or loss of third parties.

Mr S says he experienced poor service that warrants compensation. Even if I agreed with that, I couldn't fairly require TMW to pay compensation to Mr S or for any upset or frustration Mr S felt. As I said, Mr S isn't the eligible complainant here.

As a limited company, E doesn't feel emotions so I can't fairly award compensation for upset caused to E. I haven't seen evidence to suggest that E has suffered any financial loss as a result of an error by TMW, and Mr S hasn't said this is the case.

In the circumstances, I don't think it's fair and reasonable to require TMW to pay compensation to E or take any further steps regarding this complaint.

My final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask E to accept or reject my decision before 13 February 2025.

Ruth Stevenson
Ombudsman