

## **complaint**

Mr and Mrs E complain they were mis-sold payment protection insurance ("PPI") policies when they took out a mortgage in March 2003. They say the policies weren't suitable for them, and they weren't told that taking out PPI was optional. They've brought their complaint against Legal & General Insurance Limited ("L&G Insurance").

## **background**

Mr and Mrs E don't recall who they spoke to when they purchased the PPI, but they recall that the policies were provided by L&G Insurance. The response to their complaint was provided by L&G Insurance, although the policies were actually sold by an independent broker, Mr George Janos (who I will refer to as "Mr Janos").

I've attached my provisional decision dated 24 February 2016 which forms part of this final decision. In my provisional decision I set out why I was intending to conclude that this complaint shouldn't be upheld against L&G Insurance. I asked both parties to let me have their final submissions by 24 March 2016. Both parties have now confirmed that they have no further submissions to make. So I consider it appropriate to now issue my final decision.

## **my findings**

I've reconsidered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. As neither party has provided any further arguments or information to be considered, I see no reason to depart from the conclusions set out in my provisional decision. It follows that I don't uphold this complaint against L&G Insurance.

## **my final decision**

For the reasons given above, and in my provisional decision (attached), my decision is that I don't uphold this complaint against Legal & General Insurance Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs E to accept or reject my decision before 7 April 2016.

Carolyn Harwood  
**ombudsman**

## **COPY PROVISIONAL DECISION**

### **complaint**

Mr and Mrs E complain they were mis-sold payment protection insurance ("PPI") policies when they took out a mortgage in March 2003. Mr and Mrs E say the policies were mis-sold for a number of reasons, including that they weren't suitable for them, and they weren't told that taking out PPI was optional.

### **background**

Mr and Mrs E don't recall who they spoke to when they purchased the PPI, but they recall that the policies were provided by Legal & General Insurance Limited ("L&G Insurance"). The response to their complaint was provided by L&G Insurance, although the policies were actually sold by Mr George Janos (who I will refer to as "Mr Janos").

L&G Insurance issued a final response to Mr and Mrs E's, in which it didn't uphold their complaint. So they brought their complaint to this service. Our adjudicator considered the complaint, against L&G Insurance, and concluded that it shouldn't be upheld because he wasn't satisfied the PPI had been mis-sold.

Mr and Mrs E disagreed with our adjudicator's view and requested an ombudsman's decision on their complaint.

### **my provisional findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. We've set out our general approach to complaints about the sale of PPI on our website and I've taken this into account, along with the law and good industry practice, in deciding Mr and Mrs E's case.

Mr and Mrs E have complained that they only took the policies out because they thought they had to have them, to get the mortgage. They also say, among other things, that the PPI wasn't suitable for them.

The first thing I need to decide is whether L&G Insurance is responsible for the sale of the PPI. If I decide it is, then I next need to decide whether the sale happened as it should've. If I don't think L&G Insurance was responsible for the sale of the PPI to Mr and Mrs E, then I'm not able to consider this complaint against it.

I've looked at the evidence provided, including the PPI personal illustration, the follow up information from L&G Insurance and what Mr and Mrs E have told us about the sale.

They recall being referred to L&G Insurance by their mortgage adviser, but don't recall who they spoke to about the PPI.

So, to establish who sold the PPI to them, I've considered the available point of sale documentation, and follow up information provided by L&G Insurance. The available information shows the policies were sold by 'George Janos'. The PPI application was submitted by 'George Janos'. This is confirmed by a screenshot provided by L&G Insurance which shows the broker as 'George Janos', and the personal illustration which refers to Mr and Mrs E as "*Personal clients of George Janos*".

So it's clear that Mr Janos sold the PPI to Mr and Mrs E. And, I've currently seen nothing to suggest that it was acting as an agent of L&G Insurance at the time of sale. In fact, L&G Insurance have confirmed that no such agency relationship was in place, in relation to the sale of its PPI products.

Although L&G Insurance provided the PPI and provided Mr and Mrs E with a personal illustration, I'm currently satisfied the policies were discussed and agreed through Mr Janos who was an independent broker. And I haven't seen anything to suggest he was acting for L&G Insurance.

As I'm not currently satisfied that L&G Insurance was involved in the sale, outside of providing a personal illustration and policy terms and conditions, it wasn't responsible for making sure the sale happened as it should. Mr Janos was responsible for carrying out the sale properly.

So I'm not intending to uphold this complaint against L&G Insurance. Mr and Mrs E may be entitled to pursue a complaint against Mr Janos should they wish to do so. I'm afraid that if they aren't happy with any response he gives them, we won't be able to help them with that. This is because Mr Janos wasn't covered by our scheme at the time of sale.

**my provisional decision**

For the reasons given above, my provisional decision is that I don't uphold this complaint against Legal & General Insurance Limited.

I now invite L& G Insurance and Mr and Mrs E to provide me with any further information or arguments they'd like to be considered before I make my final decision on this complaint.

Carolyn Harwood  
**ombudsman**