

complaint

This complaint is about a credit card payment protection insurance (PPI) policy taken out in 1994. Miss D says Lloyds Bank PLC (trading at the time as TSB) mis-sold her the PPI.

my findings

I've considered all the available evidence and arguments to decide what is 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 in deciding Miss D's case.

I've decided the policy wasn't mis-sold because:

- I think Lloyds made it clear that Miss D didn't have to take out the PPI and she chose to take it out – although I can understand why she can't remember this. I say this because Lloyds has given me a copy of the credit card application form. There is a section to select PPI and the box in this section has been ticked to select PPI. Miss D has also signed the application form, so I think this reflected what she wanted. If Miss D didn't want the PPI she could have selected the option to decline PPI.
- Lloyds didn't recommend the PPI to Miss D so it didn't have to check if it was right for her. But it did have to make sure Miss D got the information she needed to decide if it was right for her.
- It's possible the information Lloyds gave Miss D about the PPI wasn't as clear as it should've been. But she chose to take out the PPI - so it looks like she wanted this type of cover. Based on what I've seen of her circumstances at the time it doesn't look like she was affected by any of the exclusions to or limits on the PPI cover - so it would have been useful for her if something went wrong. It also looks like the PPI was affordable. So I don't think better information about the PPI would have put her off taking out the cover.
- Which means Lloyds doesn't have to pay back all of the cost of the PPI to Miss D.

But Lloyds will pay back *some* of the cost of the PPI to Miss D because:

- When the policy was sold, Lloyds expected to get a high level of commission and profit share (more than 50% of the PPI premium) - so it should have told Miss D about that. Because Lloyds didn't tell Miss D, that was unfair.
- To put that right, Lloyds has basically offered to pay back the amount of commission and profit share that was above 50% of the PPI premium - and I think that offer is fair in this case.

I've thought about everything Miss D has said but for the reasons mentioned above these points don't change my decision.

what the business needs to do

Lloyds has to pay back to Miss D any commission and profit share it got that was more than 50% of the PPI premium. Lloyds should also pay back to Miss D any extra interest she paid because of that.

Lloyds should re-work the credit card account and pay back to Miss D the difference between what she owes and what she would've owed if the commission and profit share it got hadn't been over 50% of the cost of the PPI. Lloyds should also pay Miss D 8%* simple interest if Miss D paid off her credit card at some point.

*Businesses have to take basic rate tax off this interest. Miss D can claim back the tax if she doesn't pay tax.

my final decision

The PPI policy wasn't mis-sold – so Lloyds Bank PLC does not have to pay back all of the cost of the PPI to Miss D.

But Lloyds Bank PLC does have to pay back to Miss D any commission and profit share it got that was more than 50% of the PPI premium.

Under the rules of the Financial Ombudsman Service, I am required to ask Miss D to accept or reject my decision before 26 April 2018.

Jag Dhuphar
ombudsman