

complaint

Mrs D says Bank of Scotland plc (trading as Intelligent Finance) mis-sold her a payment protection insurance (PPI) policy.

background

This complaint is about a monthly premium PPI policy taken out with a loan in 2002. Mrs D took out the PPI over the phone after completing her loan application online.

Our adjudicator didn't uphold the complaint. Mrs D disagreed with the adjudicator's opinion so the complaint has been passed to me.

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 Mrs D's case.

I've decided not to uphold Mrs D's complaint because:

- I think Intelligent Finance made Mrs D aware that the PPI was optional and that she chose to take it. Mrs D says she thought she had to take PPI with the loan. But Intelligent Finance says the PPI was sold during a phone call that was made four days after the loan was approved and Mrs D had already received the funds. It has provided internal records which show when the telephone call was made. Having looked at everything, I think it's most likely the policy was sold in a call after the loan had been agreed. Intelligent Finance hasn't been able to provide a recording of the call. But it has provided a sales script it says was in use at the time. I don't know exactly what was said in the call, but the wording in the script gives the consumer a choice. So I think if this was followed, and considering Mrs D's loan was already agreed, she would've been aware she could have the loan without the policy at the time.
- Mrs D has also said she felt pressured by the wording on the form and during the telephone call. I've considered what Mrs D has said. But I don't think this is enough to suggest she didn't have a real choice in taking out the policy.
- Mrs D says Intelligent Finance recommended the policy to her and has referred to the words 'strongly recommend' on the application confirmation form she received before the phone call. I don't know exactly what Intelligent Finance said to Mrs D in the call. But from looking at the form and sales script I don't think Intelligent Finance would've discussed Mrs D's personal circumstances in detail. So I don't think it provided her with a personal recommendation. This meant Intelligent Finance didn't have to check if the policy was suitable for Mrs D. So she needed to decide for herself if the policy was right for her.
- I think Intelligent Finance could've explained the cost of the policy better than it did. But even if it had, I think Mrs D would've still bought it.

- It's possible Intelligent Finance didn't point out the main things the policy didn't cover. But it's unlikely Mrs D would've been affected by any of these.

I've taken into account Mrs D's comments. This includes what she's said about not being made aware that she was speaking to a third party organisation, which would've made it clearer she had a choice about the PPI. I don't know whether or not the agent made it clear to Mrs D that they were acting as a representative of Intelligent Finance. But considering everything, I don't think the fact they were an agent rather than the company direct would've changed Mrs D's mind about taking out the policy. So these points don't change my conclusion.

my final decision

For the reasons set out above, I don't uphold Mrs D's complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs D to accept or reject my decision before 9 November 2015.

Amy Osborne
ombudsman