

complaint

Mr T and Miss C complain that BISL Limited treated them unfairly when dealing with their complaint. They think some of its staff tried to prevent them from escalating the complaint to this service.

background

In April 2014, Mr T and Miss C took out home insurance online through the Post Office. The policy was provided by BISL. In March 2015 Mr T made a number of calls to BISL. These calls were about them never having received a full version of their policy document.

In one of these calls Mr T says he asked the telephone agent whether the Post Office was regulated by the Financial Ombudsman Service. And he says the agent replied “no” and said the Post Office regulates itself. Mr T says he had a follow up call later that day with another telephone agent. In this call he says he asked the same question again. And he says the agent again answered “no” and said the Post Office was regulated by the Financial Conduct Authority.

Mr T thinks he was given incorrect and misleading information on these calls. He thinks on the second call, in particular, the agent should have informed him of his right to refer his complaint to the Financial Ombudsman Service. When he asked about escalation, he says he was only told his complaint would go to a manager and then to an investigation team. He thinks the agent was deliberately attempting to prevent him from escalating his complaint to this service.

Our adjudicator didn't think the complaint should be upheld. Mr T and Miss C didn't agree with the adjudicator, so the case has been passed to me.

my findings

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'm not upholding it.

I've listened to the two calls where Mr T says he was given incorrect and misleading information. On the first call Mr T asks: “Because you're a financial institution, would you be regulated by the Financial Ombudsman Service?” And the agent replies: “No, it's the Financial Conduct Authority that regulates ourselves. We're bound by their laws and all their compliance”.

It seems that Mr T mis-heard what he was told on the call about the Post Office regulating itself. I think that the answer the telephone agent gave was the right one, given the question he was asked. Mr T didn't mention then, or at any other time on the call, that he wanted to escalate his complaint to an independent body. So I don't think it would be reasonable to expect the agent to have known this was what he might want to do. An offer of compensation was made to Mr T during the call. The agent also asked him if he wanted to escalate his complaint any further. Mr T said he was at work and wanted to think about this. It was agreed that he'd receive a follow up call later that day. At one point in the call the agent did incorrectly refer to the regulator as the Financial Services Authority, rather than the Financial Conduct Authority. But I think this was simply a slip of the tongue by the agent, as this was its previous name. So on the basis of what I've heard, I don't think he said anything significantly wrong or misleading to Mr T.

On the later call, Mr T is told by a different agent that, if he wants to take his complaint further, it would need to go to the contact centre manager. She says it would then go to complaints and he'd get a written response within eight weeks. There was a discussion about the appropriate level of compensation. The agent offered Mr T £30 and he put forward a figure of £50. The agent said she wasn't able to offer this much. Mr T asks the question: "Are you not regulated by the Financial Ombudsman Service?" And the agent replies "The Financial Conduct Authority". Following a further discussion on compensation, Mr T says he's willing to accept £30 to conclude matters.

I don't think it would have been clear to the agent on this second call that Mr T was asking her how he could escalate his complaint to an independent body. And I've no reason to think she wouldn't have given him this information if she'd been asked a clearer question about this. I also don't think this agent said anything else to him during the call which was significantly wrong or misleading.

So I think these telephone agents tried to put right the earlier problems Mr T and Miss C had experienced. Both apologised to Mr T for the service he'd received and offered him compensation. And I don't think either of them gave him information which was intentionally inaccurate or misleading. I've also found no evidence to suggest there was any deliberate attempt by them to prevent Mr T and Miss C from escalating their complaint to this service.

Mr T and Miss C also complain that they didn't receive the response they were promised in a letter from BISL in May 2015. BISL said it would respond in June. I've seen a letter from BISL dated 10 June 2015 to Mr T. In this letter it mentions his right to refer the matter to this service. And a Financial Ombudsman Service leaflet is shown as enclosed. It's not clear why Mr T didn't receive this letter. But I've no reason to think that BISL didn't send it to him.

my final decision

It follows from the above that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T and Miss C to accept or reject my decision before 30 December 2015.

Simon Furse
ombudsman