

## **complaint**

Mrs H says Lloyds Bank PLC mis-sold her a payment protection insurance (“PPI”) policy.

## **background**

Mrs H took the policy in 1996 on her TSB credit card.

I sent Mrs H and Lloyds a provisional decision on 6 September 2017. This explained that I didn’t intend to uphold the complaint for the following reasons:

I explained that in their assessment, our adjudicator said the policy was sold in branch. But, Lloyds hadn’t been able to say how the policy was sold. And, while Mrs H initially told us she took the PPI during a meeting, she later said she thought it may have been taken by post. So, I didn’t know how the policy was sold.

Lloyds couldn’t provide copies of any documents completed when Mrs H took the PPI. It did provide a sample credit agreement from around the time of the sale. But, because I didn’t know how the policy was sold, I couldn’t safely say it was more likely than not Mrs H completed a similar form when she took the policy.

Mrs H said the card was sent to her with PPI set up, and she never knew it was optional. I thought very carefully about what Mrs H told us. But, I needed to consider that the policy was sold over 21 years ago. Memories can, and do, fade over time. And, buying an insurance policy isn’t normally something I would consider to be particularly memorable.

Mrs H provided a copy of a letter from the time of sale. She said that this showed the card with PPI was sent to her without her request or authorisation - due to the letter saying *‘In the absence of your written instructions to the contrary, your card will be dispatched’*. But, I explained the same letter also said *‘your recent application for a TSB Trustcard MasterCard has been accepted’*. So, I didn’t agree this showed Mrs H didn’t apply for the card or PPI.

In this particular case I had very little information or evidence from the time of sale. Taking everything into account, I hadn’t seen enough to make me think it was more likely than not that Mrs H’s credit card was automatically set up with PPI, or that she didn’t know it was optional. Based on the very limited information I had, I thought it was more likely she chose to take the PPI to protect her repayments, when she knew she didn’t have to.

I didn’t know if Lloyds recommended the PPI to Mrs H or not. But, even if it did, I thought the policy seemed to have been right for her based on what I saw of her circumstances at the time. I say this as the policy could’ve paid out in addition to Mrs H’s sick pay – for a period of up to 12 months. And, it could’ve provided cover if Mrs H lost her job. So, I thought she could’ve found the policy useful.

Mrs H said she had separate insurances with her husband, as he was self-employed. But, she didn’t us any further information about these, such as the type of insurance, what they covered or whose name they were in. So, this didn’t change my opinion.

I thought it was possible the information Lloyds gave Mrs H about the PPI wasn't as clear as it should've been. But Mrs H didn't appear to have been affected by any of the main things the policy didn't cover – and based on what I knew about her circumstances it looked like the policy could've been useful to her. So I didn't think better information would've stopped her buying it.

I also looked at the statement Mrs H sent in that shows PPI being charged in 1994. She believed this showed an earlier date of sale. But, it appeared this statement was for a different credit card.

I gave Mrs H and Lloyds one month to come back to me with anything else to consider.

Lloyds didn't respond. Mrs H spoke to us and raised several points.

### **my 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 in deciding Mrs H's case.

I won't mention everything Mrs H said in response to my provisional decision, as some of it reiterated what she's previously told us and her original reasons for complaining. However, I want to reassure her that I've thought carefully about everything she said. I also looked at the additional statements she sent in.

Mrs H questioned again how the PPI was sold. She thought the card was sent to her in the post, as she received several cards this way. Taking everything into account, I still haven't seen enough to safely say in this case how Mrs H took the card, or bought the policy itself. I understand it's frustrating for Mrs H that there isn't a copy of an application form. But, I also still haven't seen enough to make me think it's more likely than not that an application wasn't completed at the time – or that the policy was automatically added to her account.

Mrs H said she believes the fact that she didn't claim on the policy means it was mis-sold. But, I don't think Mrs H not using the policy automatically means this was the case.

Mrs H said she was frustrated that she has provided statements for her account and presented all the information she has – but Lloyds has only been able to provide limited information. I appreciate Mrs H's point. But, this complaint is about what happened over two decades ago. I still don't find it surprising or unreasonable that neither Lloyds, nor Mrs H, can provide evidence of exactly what happened. I need to consider what I think was most likely to have taken place.

Mrs H said she feels strongly that her complaint is genuine. She also said it felt that I was calling her a liar or a fraudster. This absolutely isn't the case. I'm sure Mrs H has given us her honest recollections of what happened. And, I've taken her complaint very seriously. But, having looked at everything again, including what Mrs H said and sent in to us in response to my provisional decision, I still don't think this complaint should be upheld. This is due to the reasons explained above.

**my final decision**

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 27 November 2017.

John Bower  
**ombudsman**