

## **complaint**

Mr and Mrs S complain that The Prudential Assurance Company Limited (previously Scottish Amicable) mis-sold them an endowment policy for repaying their mortgage. They say they were led to believe the policy would reach the target amount and pay an additional sum. They also complain they were sold Payment Protection Insurance as part of the endowment policy, which they didn't need and on which commission was paid.

## **background**

Mr and Mrs S were sold a Scottish Amicable endowment policy in 1987 by J & A Insurance and Investment Services. The policy was set up to achieve £14,000.

In 2003 Mr and Mrs S complained about the sale of the policy to Prudential. Prudential explained it wasn't responsible for investigating the complaint as it had been sold by an independent financial adviser – J & A.

Mr and Mrs S repaid their mortgage in 2005 and their policy matured with a shortfall in 2012. They complained to Prudential again in 2018 about the sale of the policy, PPI and commission. Prudential didn't uphold their complaint as it didn't sell the policy. It also explained PPI wasn't sold alongside endowment policies but if they could provide evidence it would consider this further.

Mr and Mrs S asked us to look into this matter. Our investigator didn't uphold the complaint as Prudential didn't sell the policy. He also explained we wouldn't be able to look at a complaint about J & A as the policy was sold before the industry was regulated. He also found there was no evidence of PPI being sold.

Mr and Mrs S have asked for the matter to be reviewed by an ombudsman.

## **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 don't uphold this complaint.

I understand Mr and Mrs S are unhappy about the sale of their endowment policy. But as was explained to them in 2003, the policy was sold by an independent adviser J & A. The application completed at the time shows this. Although Prudential is responsible for policies it or its appointed representatives sold, it isn't responsible for those sold by independent advisers. So there is little I can add to the investigator's findings. If Mr and Mrs S remain unhappy with the sale, they will need to pursue their complaint with J & A.

Mr and Mrs S say their complaint to us was against both Prudential and J & A. But we can't look at complaints about events that happened before regulation on 28 April 1988 unless a business joins our voluntary jurisdiction. J & A hasn't agreed to that, so I can't investigate their complaint against that business (even if we had evidence that Mr and Mrs S had already tried complaining to it, which we don't).

Mr and Mrs S also complain they were sold PPI with the endowment policy and about commission that was paid for that. Prudential explained PPI wasn't sold alongside the

mortgage. I haven't seen and nor has Mr and Mrs S provided, any evidence to show it was. But in the event, that would also be a matter for J & A.

**my final decision**

For the reasons given above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs S to accept or reject my decision before 1 March 2019.

Claire Hopkins  
**ombudsman**