

## **complaint**

Mr W says that he was mis-sold a single premium payment protection insurance (PPI) policy by Bank of Scotland plc (BOS).

## **background**

Mr W took out a personal loan during a meeting with BOS in 1994. At the same time he took out a single premium PPI policy to cover his loan repayments if he was unable to work. The policy would've covered his repayments for up to 12 months if he lost his job or for the duration of his loan if he couldn't work due to accident or sickness.

Our adjudicator didn't think the complaint should be upheld because she didn't think there was anything to suggest the PPI was mis-sold.

Mr W disagreed. He says he wasn't told the full cost of the policy and had he known he had a choice, he wouldn't have taken the policy.

So the complaint has come to me for a decision.

## **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 this case.

I've decided not to uphold Mr W's complaint.

The sale took place over 20 years ago so unsurprisingly there is very little information available from the time of the sale. So I've had to proceed on the basis of what information I have and what I think is most *likely* to have happened.

Mr W says he didn't know he had a choice in taking the policy. But he hasn't given us much detail about why he thought this which is understandable considering the amount of time that has passed. And BOS haven't given us any of the documents from the time of the sale. So I don't know exactly what was discussed about PPI or how it was presented.

But from what I know about BOS's sales process at the time, I think it's likely that it would've made Mr W aware that PPI was optional and that Mr W had PPI because he chose to take it. I've not seen enough to say that he wasn't given a choice or that he didn't agree to buy it.

This was an advised sale. What this means is that BOS not only had to provide information about PPI in a clear, fair and not misleading way so that Mr W could make an informed choice about buying PPI. It also had to make sure that if it were to recommend PPI that the policy was suitable to his needs and circumstances.

I don't know if BOS did take all the steps it should've. But I think the policy was a suitable recommendation for Mr W for the following reasons:

- He was eligible for the policy and it doesn't look like he would've been caught by any of the main exclusions in the terms and conditions of the policy which could've made it difficult to make a successful claim.

- At the time of the sale Mr W says he was entitled to some sick pay and had other means of making his repayments if he couldn't work. The policy would've paid out on top of this and would've covered the repayments on the loan for a period of 12 months if he lost his job and for the duration of the loan if he was unable to work due to accident or sickness. So I think the policy would've provided him with a useful benefit in his circumstances.
- There was nothing to suggest that the policy wasn't affordable to Mr W at the time.

I also need to consider whether BOS gave Mr W information in a way which was clear, fair and not misleading so that he could make a proper choice about whether or not he wanted to take the policy out.

I don't know how much detail the adviser went into during the meeting or how things were explained to Mr W. But even if there were problems with the information and advice, for the same reasons that the policy was suitable and based on what Mr W has told us about his circumstances at the time, I think he would've still taken out the PPI policy given the proper information.

This means Mr W isn't worse off as a result of any wrong doing by BOS.

### **my final decision**

For the reasons I've explained I do not uphold Mr W's complaint against Bank of Scotland plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 8 April 2016.

Caroline Davies  
**ombudsman**