

complaint

Mr C complains, through his representative, that Bank of Scotland plc ("BoS") mis-sold him and his late wife a mortgage payment protection insurance ("MPPI") policy in 1992.

Mr C told us that they did not realise that they had a choice about buying the policy. He has also told us that he did not need the cover as he was in a secure job.

background

Our adjudicator considered the case and did not think that BoS had mis-sold the MPPI policy to Mr and Mrs C. Mr C did not agree with this view and asked for the complaint to be looked at by an ombudsman.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. We have set out our general approach to complaints about the sale of payment protection insurance on our website and I have taken this into account in deciding Mr and Mrs C's case

Having looked at all the evidence in this case, I have decided that this complaint should not be upheld. My reasons are set out below:

Because the sale took place so long ago, BoS has not been able to provide any paperwork from the actual sale. I can also not know what was said to Mr and Mrs C at the time, and so I am making this decision based on the 'balance of probabilities', in other words, what is *most likely* to have happened.

I understand that the policy only covered Mr C, even though it was a joint mortgage. BoS has told us that it recommended the policy to Mr and Mrs C, which means it had a duty to make sure that the policy was suitable for their situation.

The lack of paperwork from the time means that I cannot know how the policy was presented to Mr and Mrs C. I think it is just as likely that they were told that they *should* take the policy to cover their mortgage as that they were told they *must*. While this will disappoint Mr C, I cannot fairly find that BoS made them C buy the policy based purely on what Mr C has told us about a sale that took place over twenty years ago.

I cannot know whether BoS gave Mr and Mrs C all the information that it should have when it sold them the policy. But, although I have not seen a copy of the policy document, I think it is unlikely that Mr C – the person covered by the policy - would have been disadvantaged by the conditions or limitations of the policy.

I say this because Mr C has told us that he was in good health, in regular employment and has not suggested that his situation was unusual, for example that his employment was irregular. Using other policies from that time as a benchmark, I think that Mr C would have been able to make a successful claim on the policy if he had needed to.

There is also no surviving information about how much the policy cost at the point of sale. But from the information that Mr C has given us, I think that this policy would have paid out alongside - and for longer - than any other benefits or resources that he could have called on

if he had been unemployed or unable to work. As Mr and Mrs C were taking on a significant financial commitment in the form of their mortgage, I think that, if they found the cost and level of cover provided by the policy acceptable to them, they would, quite reasonably, have chosen to take the cover offered.

I have looked carefully at the very limited evidence that is available to me in this case, including what Mr C has told us. I do not know how much Mr and Mrs C understood about the policy and what they were buying at the time that they bought the cover for Mr C. But I think that the policy that BoS recommended to them was suitable for their situation, and I have seen nothing that makes me think that they would have decided not to buy the cover for Mr C had they received more, or better, information about it.

I appreciate that my decision will be a disappointment to Mr C, but I do not find that the policy was mis-sold to him and his late wife.

my final decision

For the reasons set out above, I do not uphold this complaint. Bank of Scotland plc does not need to pay any compensation to Mr C.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr C to accept or reject my decision before 5 February 2016.

Roxy Boyce
ombudsman