

complaint

Mrs B complained she was mis-sold a payment protection insurance policy (PPI) with a credit card with Marks & Spencer Financial Services Plc (M&S).

background

M&S agreed that Mrs B had been mis-sold PPI and said it would pay her compensation. The amount of the compensation Mrs B was offered was £8.98.

Mrs B wasn't happy with this amount and said it needed to be higher. Mrs B also complained about the time it had taken to resolve the complaint. She said she had made many calls to M&S to sort his out and wanted to have an extra payment for all the trouble.

Our adjudicator didn't uphold this complaint. Mrs B didn't agree with the view and asked for the matter 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.

I think the offer made to Mrs B is fair. This is because M&S needed to put Mrs B back in the position she would have been in if she had taken the credit card without PPI. It also needed to add 8% simple interest for the time she was out of pocket because she had PPI on the credit card. M&S worked out that Mrs B had paid £5.62 in insurance premiums. It then added the interest that Mrs B was charged on those premiums of £0.09 and finally it added 8% simple interest of £3.27. This brought the total to £8.98.

M&S has provided me print outs of its internal systems which show the PPI was taken out in September 2005 and cancelled in October 2005. The print outs show that the only premium paid was £5.62. M&S also provided evidence to show that this amount had already been refunded to Mrs B in October 2005. Even though M&S had paid the premium back to Mrs B it still said it would pay Mrs B the £8.98 in good faith.

Mrs B said this amount wasn't enough and that M&S tried to add PPI to her account again, she said if she had not taken notice she would have been paying PPI for years. Mrs B also said she spent a lot of money telephoning M&S on her mobile phone to sort things out and that this probably cost around £50.

I have carefully thought about what Mrs B has said but I have seen the evidence M&S provided and I am satisfied that it worked out what Mrs B was owed as I would expect it to. Also M&S has paid Mrs B twice because it had already refunded the premium to her in October 2005. Because of this I think the offer made by M&S was fair and reasonable and I will not ask it to pay any more.

Mrs B also wants a payment for trouble and upset. My role in this case is to review the evidence and decide what is reasonable based on both sides of the case. It is not to punish the business. Although M&S didn't answer Mrs B's complaint within the 8 weeks it has to do it by. I've seen it kept her updated. And the offer came within three months of Mrs B making her complaint. I've not seen more details about the phone calls Mrs B says she made so I can't say she shouldn't have put to the trouble of chasing M&S for an answer. And as she's

been compensated twice for one PPI payment she made, I don't think it's fair to tell M&S to pay her more compensation.

my final decision

My final decision is that I do not uphold this case against M&S Financial Services Plc.

Under the rules of the Financial Ombudsman Service, I am required to ask Mrs B to accept or reject my decision before 10 July 2015.

Miranda Bates
ombudsman