

Paul McCarron
UK Finance

(by e mail only)

12 August 2019

Dear Paul

Some additional matters around PPI complaints

Further to the several letters concerning PPI matters that we have sent to you in recent months, and ahead of the imminent 29th August deadline, I am writing now on some additional matters, including following some questions and challenges from stakeholders.

PPI complaints made on behalf of deceased customers by pre-probate parties

Some stakeholders have asked whether they are able to complain about PPI where they are still in the process of obtaining probate.

If a PPI complaint has been referred to a firm (including through a CMC) before the 29th August deadline on behalf of a deceased customer by a relative or solicitor who does not yet have probate, then the complaint has been referred in time for the deadline. We would therefore encourage firms, when acknowledging that the complaint has been received, to clearly explain to such complainants that the complaint is not time-barred by reason of the deadline. However, the firm need not progress the assessment of that complaint unless and until evidence of probate has been provided to it, which might be provided after 29th August.

PPI complaints made by parties with derivative claims on an estate

Some stakeholders have asked whether trusts, charities or others with claims on an estate are able to complain about PPI.

If a PPI complaint has been referred to a firm (including through a CMC) before the 29th August deadline on behalf of a deceased customer by a trustee, charity or other person who asserts their standing to make a claim upon the estate (for example because of a bequest), then the complaint has been referred in time for the deadline. We would therefore encourage firms, when acknowledging that the complaint has been received, to clearly explain to such complainants that the complaint is not time-barred by reason of the deadline. However, the firm need not progress the assessment of that complaint unless and until evidence of that person's standing to complain has been provided to it, which might be provided after 29th August.

Forwarding of Complaints

Where a complainant submits a PPI complaint to a firm ("firm X") before the deadline, but firm X considers that it is not responsible (or not wholly so) for the fault(s) alleged in the PPI

complaint, and forwards it to another firm ("firm Y") which firm X considers *is* responsible for the fault alleged in the PPI complaint, then the PPI complaint will be in time and should be considered by firm Y, even if it only reaches firm Y after the deadline (see DISP 1.7.2R). Firms that forward the complaint must do so promptly.

Contingency communication plans

Looking ahead to the 29th August deadline, we note that, as part of our supervisory work, we asked firms to commit to ensuring that any consumers prevented from making a PPI complaint in time by failings in a firm's systems and controls are not disadvantaged as a result.

To anticipate the risk of any systems failings or overload as the deadline approaches, firms should ensure that their contingency plans remain robust and up to date. In respect of this particular risk, firms should also consider how they would promptly communicate to consumers who might be experiencing delays or problems on one channel (eg a phone line) the alternative channel(s) (eg online submission) that they might be able to use to make their complaint in time, and promptly reassure them that they will not be disadvantaged if they are prevented by any systems failings from making their PPI complaint in time.

We would be grateful if you could share the foregoing points with your membership. We will also be sharing this letter with the BSA and FLA.

Yours sincerely



Chris Preston
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Financial Conduct Authority