

## The complaint

Mr H has complained about marketing correspondence received from Homeserve Membership Limited about plumbing and drainage insurance.

## What happened

Mr H says he was receiving excessive marketing material from Homeserve. He called Homeserve in November 2022 to ask to be removed from its marketing list, as he did not want to receive such material. However, in February 2023, he started receiving marketing material about plumbing insurance again. Mr H says the material had the water supply company emblem on and so it was unclear who he needed to contact to opt-out of the marketing; and Homeserve's details only had a claim line number.

Homeserve says that there was an error and Mr H's name was not removed from the marketing list in November 2022 and he was also not told he would need to remove himself from Royal Mail and the water supply company's lists as well. Homeserve said it works with various water suppliers who promote its insurance on its behalf, which means its marketing material will have details of both it and the water company on it. Homeserve says its marketing material is clear and in line with marketing regulations. After Mr H complained, Homeserve confirmed it had removed Mr H from its list and offered £50 compensation for the trouble caused by it not doing so in November 2022.

One of our Investigators looked into the matter. She did not recommend the complaint be upheld, as she was satisfied that Homeserve had made a reasonable offer in response to the complaint and did not think it needed to do any more.

Mr H does not accept the Investigator's assessment. He has made a number of points in his initial complaint and in response to the Investigator. I have considered everything Mr H has said but have summarised his main points below:

- Homeserve told him he'd have to contact the water supply company to stop the marketing leaflets but the water supply company told him it would contact Homeserve and ask that his name be removed from the marketing list, which it did.
- Homeserve's marketing material has the water supplier's emblem on it and nothing to clearly show it is from Homeserve. This is misleading people into thinking it is a water company product.
- Homeserve acknowledged that it designs and prints the material, so it is responsible for this.
- The Investigator has not looked into this and not given an opinion on this practice.
- The opt-out details should be clearly positioned on all material and not hidden on the back page in small print that requires a magnifying glass to read.
- Homeserve is interrupting people's lives sending out this material, so it should make it clear and easy to opt-out of receiving it.
- The Investigator has also failed to address if this is right or not.
- This complaint has been time consuming and difficult to pursue, especially given his own health and his caring responsibilities.

Mr H wants assurance that his details are permanently removed from all Homeserve marketing lists and that he will never receive any such material again; £150 compensation; a full explanation as to why his name was not removed the first time and a full explanation as to why he started receiving material again in February 2023; and a written apology from Homeserve.

As the Investigator has not been able to resolve the complaint, it has been passed to me.

**What I've decided – and why**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Insurers sell their policies in a variety of ways and are free to brand them in association with other companies, if they wish.

I have seen some of the marketing material sent to Mr H. This has the water supplier's logo at the top but also says, among other things, *"that's why ...[we are] writing to introduce you to Plumbing & Drainage Plus cover through Homeserve -trusted Home Experts, who we've worked with for 25 years."* Homeserve is also mentioned throughout the rest of the document.

In my opinion, the material makes sufficiently clear that the cover being promoted is an insurance policy which will be arranged by Homeserve and I do not consider that sending marketing material of this sort is unreasonable in principle.

Mr H had had enough of these letters however, which prompted him to ask for his name to be removed from any marketing lists. I can see that it was probably not immediately clear who he needed to contact to get that done. And when Mr H did talk to Homeserve it didn't inform him he'd need to also remove his name from other lists and his name was not removed from its list either.

Mr H wants a full explanation as to why that was not done and why he started to receive marketing material again. I am unable to satisfy this request from Mr H. We do not always examine exactly why something happened, as we are not the regulator and cannot require businesses to change their practices or systems. Instead, where something has gone wrong, it is my role to consider how that might be put right. However, there is no automatic right to compensation when things do go wrong.

I can see this matter has been frustrating for Mr H and he has gone to some trouble to bring this complaint and pursue it.

Mr H has asked for a full written apology from Homeserve. I don't intend to ask Homeserve to provide a written apology to Mr H. Even if I thought it had acted unfairly and an apology was appropriate, a forced apology would have no meaning. And in any case, it did apologise to Mr H in its final response letter dated March 2023. I also cannot require Homeserve to guarantee that Mr H will never receive any marketing material in the future, as I do not think that such a guarantee can be made. However, Homeserve also said it had shared and reviewed what went wrong for Mr H as part of its internal processes, which I think is reasonable.

Overall, having considered everything including Mr H's personal circumstances, I am satisfied that the £50 compensation already offered is reasonable for the trouble caused by this matter.

### **My final decision**

Homeserve Membership Limited has already made an offer to pay £50 to settle the complaint and I think this offer is fair and reasonable in all the circumstances. So my decision is that Homeserve Membership Limited should pay Mr H £50.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 9 October 2023.

Harriet McCarthy  
**Ombudsman**