

The complaint

Mr M complains about the service received from The Royal London Mutual Society Limited trading as Scottish Provident (Scottish Provident). This is because when his representative asked for policy information, Scottish Provident didn't accept the authority for her to act on his behalf and took too long to respond.

What happened

Mr M took out a wealth preservation policy with Scottish Provident in 2003. He did so based on a recommendation made by a separate firm. Mr M is represented in his complaint by Mrs M (his attorney). His attorney also instructed solicitors. They complained to Scottish Provident about the premium increases and service received when asking for policy information.

Scottish Provident responded to the complaint on 21 November 2022. They felt they hadn't done anything wrong. Mrs M remained unhappy and asked our service to investigate.

A jurisdiction decision was issued on 9 June 2023 which set out why the service issues Mrs M complained about fell within our jurisdiction. However, it was decided the part of her complaint about the increases in premium fell outside of our jurisdiction and wasn't something our service could consider. So, I won't comment on this further.

Our Investigator issued a view explaining why she felt the service provided by Scottish Provident was reasonable. Mrs M didn't agree and asked for an Ombudsman's decision. Therefore, the complaint has been passed to me to decide.

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.

Mrs M has provided detailed submissions to our service, and I want to acknowledge the time she has spent doing this. I also want to assure her I have considered everything she has said about the service issues and where I have not mentioned a specific point she has raised, it is not because it hasn't been considered, but because I don't think I need to refer to it to reach the right outcome here.

A copy of the power of attorney was sent to Scottish Provident in July 2022 and in early August 2022 Mrs M requested policy information. I've seen a letter dated 11 August 2022 which was sent to Mr M and which included policy reviews and information.

On 6 September 2022 Scottish Provident wrote to Mr M's solicitors and explained the power of attorney stated it would only come into effect when Mr M lost capacity to make his own decisions. Scottish Provident asked for this to be confirmed. However, Mrs M has said Scottish Provident previously provided information. Having considered the circumstances, I don't think it was unreasonable for Scottish Provident to ask for this information or write directly to Mr M in the absence of confirmation he had lost capacity.

Further to this, the solicitors complained to Scottish Provident on 28 September 2022. Scottish Provident responded on 6 October 2022 and confirmed they received the complaint on 29 September 2022. I've seen this letter was sent to Mr M. However, I'm satisfied this was reasonable for the reasons already explained. Scottish Provident confirmed they were not responsible for the sale of the policy and had passed the complaint on to the advisors. They also provided referral rights to our service.

The solicitors sent further emails to Scottish Provident. For example, on 3 November 2022 the solicitors wrote to Scottish Provident and said they'd not received a response to their letter and asked for one by 17 November 2022. I can see Scottish Provident did provide an update on 27 October 2023 and responded to the complaint on 21 November 2022.

Therefore, I think Scottish Provident responded reasonably here. I note they had previously explained why they thought they weren't responsible for the complaint and passed it on to the advising firm. Although I can understand why Mrs M wanted a response as quickly as possible, Scottish Provident had provided an update and given referral rights to our service so the complaint could be escalated if not resolved within eight weeks.

Overall, I've considered the points raised by Mrs M on behalf of Mr M and I'm satisfied Scottish Provident's service was reasonable here. I appreciate they wrote to Mr M directly, but I think this was reasonable in the circumstances and they set out the reasons for this at the time. They also passed on the complaint to the advising firm and provided a response on 21 November 2022. So, I don't think their service fell below a reasonable standard here.

This means I won't be asking Scottish Provident to do anything to resolve this complaint. I appreciate this will be disappointing for Mrs M. However, I'd also note in these circumstances it is Mr M who is the eligible complainant, and I wouldn't be able to ask Scottish Provident to do anything to recognise frustration which may have been caused to those representing him. I also can't ask Scottish Provident to cover costs of the solicitor Mrs M chose to instruct.

My final decision

For the reasons outlined above, I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 5 September 2023.

Laura Dean
Ombudsman