

The complaint

Mrs H has complained that AXA France IARD mis-sold her a store card payment protection insurance (PPI) policy in 1997.

What happened

Mrs H was sold the PPI at the same time as applying for the store card in a shop.

Our adjudicator didn't uphold the complaint. Mrs H disagrees with the adjudicator's opinion and so the complaint has been passed to me for a decision.

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.

We've set out our general approach to complaints about the sale of PPI on our website and I've taken this into account in deciding this case.

Where the evidence is incomplete, inconclusive or contradictory, I reach my decision on a balance of probabilities – that is, what is considered most likely to have happened given the evidence that is available to me, and the wider surrounding circumstances.

I've decided not to uphold the complaint and I'll explain why.

Mrs H says she has no recollection of the sale, which is not surprising given how long ago it took place. But she says she can't see why she would have taken out PPI.

I've seen a copy of the store card application form that Mrs H signed. There was a separate section for PPI with a box that had to be ticked to agree to buy the policy. Mrs H has ticked the box.

From what we know of the sales process at the time, the PPI was usually presented as optional, and I haven't seen any evidence to persuade me that something different happened in this case.

Based on the available evidence, I consider it more likely than not that Mrs H decided to buy the PPI, knowing that she didn't have to, even if she no longer remembers doing so.

This was a non-advised sale. So AXA didn't need to ensure that the policy was suitable for Mrs H. But it did need to provide sufficient information for her to be able to make an informed decision about whether or not the PPI was right for her.

Mrs H would have received some sick pay from her job. But the PPI would have paid out in addition to any sick pay and potentially for longer than she would have received full pay for. Mrs H says her partner and family would have helped out financially. But having the policy would have meant not having to ask her family to pay her store card repayments for her. So,

I think she had a need for the policy and could have benefitted from it at what would have been a difficult time.

It's possible that AXA didn't provide as much information as it should have about the PPI, particularly about the things that it didn't cover. But Mrs H wasn't affected by any of those things. For example, she didn't have a pre-existing medical condition that would have been excluded under the policy. As I think that she had an interest in the PPI and decided to buy it, I don't think that further information would have caused her to change her mind. So, Mrs H is no worse off as a result of anything AXA may have done wrong, so there's nothing that AXA needs to do to put things right.

My final decision

For the reasons set out above, my decision is that I do not uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 3 October 2023.

Carole Clark

Ombudsman