

12 Endeavour Square
London
E20 1JN

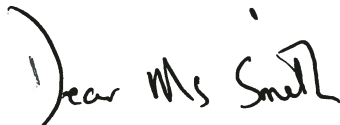
Tel: +44 (0)20 7066 1000
Fax: +44 (0)20 7066 1099
www.fca.org.uk

Laura Smith MP
House of Commons
London
SW1A 0AA

1 July 2019

Our Ref: PQ190605A

Your Ref: 259408/259409



RE: Parliamentary Questions 259408 and 259409

Thank you for your Parliamentary Question of 4 June 2019 regarding Payment Protection Insurance (PPI), the right of next-of-kin of someone potentially mis-sold PPI to claim redress, and the deadline for them doing so. HM Treasury have passed your questions to the FCA to respond to in detail.

Your questions specifically ask the Chancellor of the Exchequer:

What steps (a) his Department and (b) the FCA is taking to raise awareness of the ability of the next-of-kin of deceased persons to bring a complaint for the mis-selling of PPI and their right to reclaim. (PQ 259408)

What assessment (a) his Department and (b) the FCA has made of the potential merits of excluding vulnerable consumers, such as those claiming on behalf of a deceased person, from the deadline for claims for the mis-selling of PPI. (PQ 259409)

Before turning to these, I think it is important to make the following general points.

The FCA-led consumer communications campaign is a key measure to build awareness of all consumers and their representatives in the run up to the 29 August 2019 PPI deadline. Its general aim is to raise awareness amongst those who intend to complain or check if they had PPI ahead of the deadline and to prompt action.

The main specific objectives of the campaign include to provide information on how to check for PPI, explain how to make a PPI complaint and signpost consumers to appropriate help including via the FCA website and contact centre.¹ It is a multi-channel communications campaign using a combination of advertising, public relations, social media and partnerships. All channels point to the dedicated FCA PPI website and helpline.

The campaign has been designed to reach and engage all UK adults aged over 25 (and it will likely reach adults aged 18 to 25 as well). As a universal campaign, it is not designed to target specific groups. It is seeking to reach its entire target population. In doing so, we continue to consider our ongoing Equality Impact Assessment (EIA) of the potential impact on consumers with protected characteristics or who are vulnerable.

¹ See paragraph 3.1 of the FCA's PPI complaints deadline [Progress Report \(October 2018\)](#).

The campaign has been split into various phases and was designed to change emphasis over the campaign period. For example, the focus for the first year was to establish awareness of the deadline and improve understanding of PPI and how to check for it, providing clear sign-posting to our website and helpline and other sources of appropriate information. The focus in the second year has been to continue to raise awareness of the deadline and focus more on strengthening consumer understanding of how to complain and what to do before the deadline.

We continuously monitor the campaign. We use a variety of data to assess and improve each stage of the campaign. We conduct regular surveys and monitor, analyse and apply insights from paid media performance data and website and contact centre data. We assess performance against a number of key performance indicators (KPIs). We use the insights to inform each phase of the campaign and we make proportionate adjustments, for example to our website materials, in response where appropriate.

In our Progress Report (October 2018), we provided an update on the progress of the consumer communications campaign at approximately one year into the campaign². The overall message from that report was that we were encouraged by the results of the first year of our campaign which showed an increase in awareness of the deadline (68%, up 15% from pre-launch of campaign), understanding of how to check for PPI and how to complain.

I now turn to your questions.

As mentioned, one of the main aims of the campaign was to raise awareness of the deadline amongst the general UK adult population and sign-post people to the FCA's website and helpline for further information. We are satisfied that the campaign is meeting this objective.

Given that the target audience for our campaign is the entire UK adult population (over 25), this covers Personal Representatives (PRs) of deceased consumers. It follows that PRs will be just as aware of the PPI deadline as everybody else in the target population and be prompted to engage in relation to the PPI process.

Consistent with the universal nature of our campaign and the necessarily high-level impact of our mainstream advertising communications, we have not included specific messaging around any specific group of consumers (including estates of deceased complainants).

However, we acknowledge that complaining on behalf of a deceased person may present additional challenges as compared to complaining directly, and consistent with the objective of signposting the audience to seek further information about PPI, we have:

- a. developed and placed specific information on our website about PPI, including what to do in relation to estates of deceased consumers (as well as other groups of adults with specific needs);
- b. invested in search engine optimisation to ensure that should anyone search for terms related to estates of deceased consumers then the relevant guidance will appear in their search results;
- c. ensured that relevant information is available to fully trained contact centre staff and social media community managers, to ensure they are able to respond to consumer queries about estates of deceased consumers through our dedicated helpline and social media channels.

In addition, there is specific information on how to make a complaint on behalf of a deceased person on the Financial Ombudsman Service's website, the Financial Service Compensation Scheme's website, and other popular websites. Some firms also have specific processes and messaging on their web-sites.

² The two year campaign was launched on 29 August 2017.

Ultimately, however, a potential PPI complaint is no different from other assets of the estate and should be identified by a PR in the usual way. If there are shortcomings in the way PRs (whether acting alone or with the advice of probate practitioners) carry out their role³, then this implies a general issue around awareness that non-tangible matters can be assets - which is not a matter for the FCA.

It will remain open to PRs to bring claims on behalf of deceased persons in the courts following the expiry of the PPI deadline (subject to the usual requirements for such claims).

As noted, a core part of the development and ongoing delivery of our PPI campaign has been to reach and engage vulnerable consumers and those with protected characteristics.⁴ We do not consider that the potential challenges that a PR may face in complaining will necessarily arise or, if arising, necessarily render them vulnerable. But if a particular PR's circumstances or characteristics do render him or her vulnerable as regards the ability to make a PPI complaint, then the actions we have taken (and continue to take) to mitigate the risk of poor outcomes for vulnerable consumers in general are likely to be relevant to that PR.

In sum, we believe we have taken proportionate steps to address the position of deceased claims and consider that our approach to the specific position of those claiming on behalf of deceased consumers is proportionate to the degree of responsibility that we have in this area.

I hope that this is helpful.

Yours Sincerely,
Andrew Bailey

Andrew Bailey
Chief Executive

³ We note that there is some guidance available to PRs including on gov.uk eg at <https://www.gov.uk/valuing-estate-of-someone-who-died/estimate-estate-value>

⁴ Please see our Equality Impact Assessment in Annex 2 to Policy Statement 17/3 (March 2017) and our update on it in our [Progress Report \(October 2018\)](#).