

This is an example of the New Claim Letter that we send to the relevant bank department for (Lenders name)

Hidenda
Unit 6E2
Boundary Court
Willow Farm
Castle Donington
DE74 2NN

(Lenders Name)

(Lenders Address)

Date: DD/MM/YYYY
Ref Number: **HIDXXXXXXXX/XXX**

To whom it may concern

Harwood Claims Management Limited trading as HIDENDA is writing to (Lenders Name) in order to make a complaint on behalf of our client. We are doing so because our client has become aware of the fact that in recent times many financial institutions have been found guilty of mis-selling some of their products. As such our client has appointed Hidenda to investigate products they have taken from (Lenders Name) in order to establish whether or not any of them were mis-sold.

The following statement is taken directly from the FCA handbook. The FCA, your governing body, define a complaint as the following:

"...any oral or written expression of dissatisfaction, whether justified or not, from, or on behalf of, a person about the provision of, or failure to provide, a financial service or a redress determination, which alleges that the complainant has suffered (or may suffer) financial loss, material distress or material inconvenience."

We wish to complain on behalf of our client expressing dissatisfaction about the provision of a PPI policy for a (Credit Card, Loan, Mortgage) by (Lenders Name) to our client given PPI has been mis-sold by (Lenders Name) to other people. If it is the case that the PPI policy was also mis-sold to our client then they have suffered financial loss as a result.

We hereby request that (Lenders Name) investigate the sales process that resulted in the sale of the PPI policy to our client in order to establish whether or not it was mis-sold.

We make this request with the understanding that given the documented history of mis-selling that has taken place in recent times, (Lenders Name) ought to now have a full understanding of all the reasons why any product it has sold to our client could have been mis-sold especially any PPI policies irrespective of whether the sale was made under an advised or non-advised basis.

For the avoidance of doubt, when (Lenders Name) is investigating this complaint, enquires should include at least, but not be limited to, the following:

- Was the PPI policy sold to our client done so under an advised or non-advised basis? Whichever sales route was followed, were **ALL** the correct procedures and rules for selling the PPI policy correctly applied?
- Where applicable, was our client both eligible and suitable for the PPI policy?
- Was it made clear to our client that the PPI policy was optional?
- Where applicable, could our client have been affected by any of the features/restrictions/limitations of the PPI policy and if so were these made clear to our client prior to or at the time of the sale?

- Where applicable, were the demands and needs statements created by your organisation and if so were they done so correctly?
- Where applicable, were the clear costs and benefits of the PPI policy detailed to our client?
- If the sale was non-advised was the client's attention drawn to any significant terms and conditions?
- Was adequate PPI policy information provided to the client ahead of the sale that meets with what is required if it were an advised or non-advised sale?
- Was the PPI policy sold to the client without their knowledge?
- Was the client told they had to take the PPI policy?
- Was the PPI policy offered alongside another product as an incentive or aide to taking another product?

If during the assessment of our complaint it is established by (Lenders Name) that the sale of the PPI policy being investigated is deemed to have been done so under a non-advised basis e.g. sold over the internet or via the post, then we ask that particular attention be paid to the reviewing of the wording contained within the relevant application form and relevant policy booklet/documentation used by (Lenders Name) in order to sell the PPI policy to our client. The reason being we have discovered, through our research, that the documentation used by some lenders for the selling of PPI policies which they initially deem to be under a non-advised basis in fact has been found to contain wording that does suggest a recommendation has been made meaning the sale is actually advised. This includes, but is not limited to, the use of phrases such as **"we strongly recommend"** or **"for peace of mind"**. If, after assessing the PPI policy being complained about, (Lenders Name) deems the sale of the PPI policy being complained about to fall under an advised basis then we remind (Lenders Name) it is duty bound by the FCA to apply the correct rules when assessing whether or not it was mis-sold.

If, after their assessment, (Lenders Name) concludes the PPI policy was not mis-sold, we request that (Lenders Name) provides not only its reasoning but also the **evidence it has used** (copies of which are acceptable) in order to establish its reasoning for why that PPI policy was not mis-sold. Failure to provide such evidence will result in our need to perform a full Data Subject Access Request (DSAR) not only to ascertain if (Lenders Name)'s determination that a sale was not mis-sold is correct but also to further establish if the evidence on which it was based is valid.

We strongly suggest that failure to provide such evidence will ultimately result in the potential loss of money to (Lenders Name) because of our subsequent need to request a full DSAR for reasons aforementioned. For the purpose of illustration a full DSAR will include a request for the following information (Lenders Name) holds on our client:

1. Full copies of all contracts which you believe exist or have existed between our client and your organisation, including true copies of any documents you hold in support of the same.
2. A complete list of all transactions or statements relating to all of our clients products ever taken with your organisation.
3. Copies of all documents which include any of our client's personal information including copies of any contacts, invoices, emails, computer records containing their personal information and/or any records which pertain to this information.
4. Full copies or transcripts of any correspondence in postal, email or any other format both internal and external, which you have entered into with any individual, organization or third party (stating who and why) which contains our client's personal or financial information, or which pertains to them.
5. Where any previous information or records held have been deleted or disposed of, the methods used to do so, including dates, certificates or references confirming details of destruction. Where you are unable to provide such certificates, please provide a

declaration, signed by an authorised officer of your company, confirming the dates and methods of destruction of this data.

6. Full hard copy print outs of our client's personal or financial information, held in a digital, magnetic, microfiche or any other format which is held in any archives, backups or other storage devices/locations.
7. Underwriting sheet or other such document recording any commission (or other) payment made to an intermediary or packager, and/or payment/commission from the insurer in relation to any of our client's account(s).
8. A true copy of all the signed credit notes (credit agreements).
9. Any Deeds of Assignment.
10. Any Novation Agreements.
11. Copies of any stored telephone calls.
12. All computer logs, notes, transcripts and memos stored on your organisations computers.
13. A true copy of all the terms and conditions for any and all products/accounts/policies ever taken with your organisation.
14. A true copy of any subsequent amendments to those terms and conditions.
15. True copies of any Notice of Assignment.
16. True copies of any default notices, court orders or pending legal action.
17. Information related to any charges such as returned payments etc; please include your breakdown of the actual costs and your liquidated damages.
18. All handwritten notes, memos and letters sent by your organisation.
19. All information held by your organisation and any of your other companies, including all of the above requests for each company.

If (Lenders Name) feels it has a requirement to speak to our client in order to establish, amongst other things, the fact that the client was at least eligible and suitable for the PPI policy to be sold to them in the first place, we remind (Lenders Name) that this should have been done before the sale of the PPI policy if the PPI policy was sold under an advised basis and (Lenders Name) should have also attained the necessary documentation in order to know this. Before any conversation takes place with our client we request that (Lenders Name) first checks the information it holds on our client in order to establish that eligibility and suitability checks were made by them and provide evidence of such, if needs be, in order to establish if the PPI policy was sold correctly. If it does not hold such information then (Lenders Name) should instantly conclude that the PPI policy was mis-sold.

Details of our client as well as the (Credit Card, Loan and/or Mortgage) are listed under the 'CLIENT DETAILS' section of this letter. All requested information and correspondence must be sent to the Hidenda correspondence address stated at the top of this letter.

CLIENT DETAILS:

Name: Clients Name

Current address: 1 Some place, Some town

Address when the credit card was taken out: AS ABOVE

(Lenders Name) credit card number, loan account number and/or mortgage number:
123456

Hidenda are acting on the above client's instruction, please find enclosed an original 'Letter of Authority' which has been signed by our client. Unless you can satisfactorily justify that the PPI policy being investigated was sold by (Lenders Name) to our client correctly, following all rules that are required to be followed in the sale, we are requesting a full refund of all premiums that our client has paid with subsequent interest on these payments to date and the standard compensation for claims such as this added to the refund with respect to the PPI policy being investigated.

All payments should be paid in the form of a cheque and made payable to 'Hidenda Client Account'. It should also be sent to the Hidenda correspondence address which is stated within this letter.

Please note that within our Letter of Authority, I refer you to the section titled 'To Whom It May Concern' and in particular point 7 which clearly states 'Compensation should be paid in the form of a cheque and made payable to 'Hidenda Client Account.' For the avoidance of doubt this payment route, should you decide to award compensation to our client, has clearly been agreed by our client and signed by them. If you are not prepared to agree to the aforementioned payment route, should you award compensation, then please state why in your next correspondence.

VERY IMPORTANT PLEASE READ

For The Attention of: (Chief Executive Officer Name)

Given that already detailed in this letter; to save both our client time and also the shareholders of (Lenders Name) any potential unnecessary cost that may be incurred from performing the potential DSAR we have outlined, then, providing the evidence we have requested is supplied and subject to our clients approval we can see no reason why we would require a DSAR in order to review (Lenders Name)'s reasoning when concluding that the PPI policy was not mis-sold.

We trust that the Chief Executive Officer (CEO) of (Lenders Name) will agree that our request to be sent the evidence (Lenders Name) has used (copies of which are acceptable) in order to establish its reasoning for why the PPI policy being investigated was not mis-sold will be far less costly than the money it will cost to perform our requested DSAR. Therefore any chance the CEO has to save money for the organisation which they represent surely must warrant their attention? If the CEO disagrees can we request on behalf of our mutual client, who is or has been a customer of your organisation at some point, an explanation of why they disagree and also was their decision to disagree presented or is it going to be presented to the shareholders of (Lenders Name)?

Yours faithfully

Lee Mellor

Managing Director