

## **The complaint**

Mr T has complained about AXA Insurance UK Plc. He isn't happy about the way it dealt with a claim under his Commercial and Residential Landlords Insurance policy.

For ease of reading any reference to AXA includes its agents and I've mainly referred to Mr T in this decision as opposed to his representative.

## **What happened**

Mr T made a claim under his Commercial and Residential Landlords Insurance policy after what he believed was a subsidence problem at his rental property. But when AXA looked into the claim for him it turned it down so Mr T instructed his own experts in support of his position and complained to AXA about how his claim has been handled and considered.

AXA looked into Mr T's complaint and agreed it hadn't advanced his claim in a timely manner and offered a total of £350 in acknowledgement of the poor service here. And it said in its final response letter (FRL) of 20 July 2022 that although it still remained of the view that the claim would be declined, as it felt the issue was pre-existing, it would refer the matter to its underwriting department for review and would then provide an update to Mr T responding to the claim. As Mr T remained unhappy he complained to this Service.

Our investigator looked into things for Mr T but didn't uphold his complaint. He thought AXA's offer of £350 compensation for the delay and poor service was fair and commented that he didn't think AXA had acted unreasonably in declining the claim.

As Mr T didn't agree the matter has been passed to me for review.

## **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.

Having done so, I agree with our investigator's position about the delay and poor service and feel that AXA's offer of compensation for this is fair. I say this as although I agree AXA have delayed and failed to consider Mr T's further representations and reports in a timely manner I think its offer of £350 (total) compensation up to the date of its FRL on 20 July 2022 feels fair.

I think it's important to explain I've read and taken into account all of the information provided by both parties, in reaching my decision. If I've not reflected something that's been said in this decision it's not because I didn't see it, it's because I didn't deem it relevant to the crux of the complaint. This isn't intended as a discourtesy to either party, but merely to reflect my informal role in deciding what a fair and reasonable outcome is.

This also means I don't think it's necessary to get an answer, or provide my own answer, to every question raised unless it's relevant to the crux of the complaint. And as I've outlined to both sides before finalising this decision any further complaint since AXA issued its FRL

would have to be advanced separately. So, in effect, any further issues Mr T faced after the FRL of 20 July 2022, including AXA's final position on how the claim will be considered will have to be advanced separately by Mr T.

I know our investigator looked to comment on the decline of the claim by AXA, but I don't think that is appropriate in looking solely at this complaint. I say this as AXA have outlined in its FRL of 20 July 2022 that it thought the damage may have stemmed from before Mr T took out the policy and that it was referring the details and the further information provided by Mr T to its underwriter for review. So, AXA was clear it was awaiting a response and once it received this advice and comment then it would advise Mr T of the outcome and the next steps on the claim.

Given this, I don't think it would be fair or appropriate to comment on this and the decline of the claim as AXA, at the time of the FRL that this complaint refers to, hadn't finalised the claim response. I'll simply leave this point to be advanced separately by Mr T and he is free to raise a further complaint about this and any subsequent delay. I know this isn't the response Mr T wanted and I note from his latest representations that AXA don't seem to have finalised its position on this and I would advise it to expedite matters. But I can't consider the finalisation of the claim as part of this complaint for the reasons I've explained.

In looking solely at the delay by AXA in advancing the claim up until the FRL of 20 July 2022 I agree that there have been delays which AXA has acknowledged. And I agree that the service wasn't to the required standard. However, I feel AXA's offer of £350 by way of compensation for this seems fair.

### **My final decision**

It follows, for the reasons given above, that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 11 January 2024.

Colin Keegan  
**Ombudsman**