

## **The complaint**

Mr K has complained about his motor insurer AXA Insurance UK Plc regarding the service he received when he had an accident.

## **What happened**

Mr K was involved in an accident on 1 December 2022. AXA sent an engineer to assess the damage on 19 December 2022. The engineer's report said damage had been "exaggerated". AXA began looking into that. But also looking into damage which had occurred in August 2022, in another incident, following which it had found the vehicle was a total loss, settling the claim with Mr K and returning the vehicle to him as salvage.

AXA's engineer noted an error in his report. He had meant to say damage was "exacerbated", rather than "exaggerated". AXA's enquiries into the pre-existing condition of the vehicle continued. But it noted its enquiries were taking too long and Mr K had become frustrated. He felt he wasn't getting promised call backs, that no progress was being made with his claim and that this all might be because the engineer had discriminated against him.

AXA responded to Mr K's complaint on 7 February 2023. It noted that it had initially been arranged for Mr K to take his vehicle to an approved garage, but then, when that hadn't been possible, it had arranged an engineer's visit. It was satisfied there had not been any discrimination but accepted an error had been made in the report. It noted a discussion about whether or not Mr K should have obtained a new MOT following the total loss claim had caused upset. It acknowledged that it was still considering the claim, which was taking longer than expected. It said, given all the upset caused including by it not responding to his complaint as quickly as it felt it could've done, it would pay Mr K £225 compensation.

Mr K complained to the Financial Ombudsman Service. Whilst his complaint was progressing, Mr K said his premium had gone up and he was unhappy with a claim settlement AXA had put forward. Our Investigator explained that, in this complaint, we could only look at what had happened regarding the poor service complaint AXA had answered in February 2023.

Regarding Mr K's complaint about poor service, our Investigator felt AXA had failed Mr K in some respects. But he felt the £225 compensation was fair and reasonable to make up for that. So he wasn't minded to make it pay anything more.

Mr K said he felt he'd been unfairly targeted, causing him/his claim to be unfairly referred to the fraud team. He said he feels slandered and £225 was not enough to make up for that.

## **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 can see that AXA failed Mr K here. But, with regret for any further upset this may cause Mr K, I don't intend to make AXA pay anything more.

I can see this has been a difficult time for Mr K. And I absolutely understand the offence he was caused when he was incorrectly accused of exaggerating the claim. I can see though how this error came about – it seems to have been a typing/auto correct error that wasn't picked up before the report was submitted. I haven't seen anything to make me think it was done deliberately for negative reasons by the engineer on account of discrimination. I'm mindful that AXA's file shows that although a referral to its fraud team was initiated, as soon as the report was fully reviewed, the wording was quickly identified as an error. AXA accepted that Mr K had not acted fraudulently.

Unfortunately, Mr K's vehicle had suffered previous damage, on the same side as had then been impacted in the accident. And when AXA had returned the vehicle to Mr K following the previous incident and settlement it had expected him to complete repairs. I can see that AXA needed to look into this and that further upset was then caused to Mr K by its querying the need for an MOT and because further delays in making its claim decision occurred.

During the course of the claim, I can see that Mr K has been frustrated during some phone calls. Which is understandable. I can see that some calls were dropped and that Mr K did have to keep chasing things. I do see that some of AXA's call handlers tried to take ownership at times and improve Mr K's claim journey. Also that sometimes handlers did try to call Mr K back. But, overall, I think Mr K is correct that he received a less than adequate service.

The incident Mr K was involved in occurred on 1 December 2022. His car wasn't initially assessed by AXA until 19 December 2022. But that delay doesn't seem to have been caused by any fault of it. It then took a few weeks for the report to be received and corrected. Partly I think because the holiday season impacted things. If no correction had been needed I still think the holiday season would have had an impact because, reasonably, a review of the pre-existing damage would still have been needed. I think the holiday season – during which time I note AXA's engineer was on leave – would always have impacted that. And it wouldn't have been unreasonable for those enquiries to take a couple of weeks. So, in the period I am considering things to, up until 7 February 2023, I think there was likely only a few weeks of delay caused by AXA.

In summary then, AXA caused a few weeks of delay, some significant upset to Mr K with the incorrect report, but which was quickly corrected, which was all peppered with poor telephone communication. I'm satisfied that £200 compensation, £225 taking into account AXA's admitted delay in replying to the complaint, is fair and reasonable in the circumstances here. It's in line with our guidance and other awards made by this service in similar circumstances. I'm not persuaded it would be fair or reasonable to require AXA to pay anything more.

### **My final decision**

I find that AXA's compensation fairly and reasonably makes up for the distress and inconvenience caused by its failings. As such I don't make any award against AXA Insurance UK Plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 20 October 2023.

Fiona Robinson  
**Ombudsman**