

## **The complaint**

Mr W complains about Building Block Insurance PCC Ltd (“BBI”) and the service they provided when he needed to claim on his Breakdown insurance policy.

## **What happened**

Mr W held a Breakdown insurance policy, underwritten by BBI. Unfortunately, in June 2023, Mr W’s tyre ran flat. And so, he contacted BBI for assistance.

BBI accepted Mr W’s claim. And they instructed a local recovery agent, who I’ll refer to as “R”, to attend and either fix the tyre, or tow Mr W home. But Mr W was unhappy with how long this took and so, he raised a complaint.

Mr W was unhappy that at 7.30pm on the day of the claim, he was told a recovery agent would be in attendance within 60-90 minutes. But R didn’t arrive at the scene until around 11pm, around 4 hours after Mr W initially contact BBI. Mr W unhappy with the delays he experienced, and the impact this had on his elderly mother who was in the car with him at the time. So, he wanted to be compensated for this upset this caused.

BBI responded to the complaint, and they apologised to Mr W for the dissatisfaction he’d experienced. But they thought the delays Mr W experienced were outside of their control and they felt they had updated Mr W reasonably during this time. So, they didn’t think they needed to do anything more. Mr W remained unhappy with this response, so he referred his complaint to us.

Our investigator looked into the complaint and didn’t uphold it. They recognised that BBI could’ve done more to manage Mr W’s expectations on timescales, and that this failure to do so resulted in Mr W expecting an attendance earlier than the one he received. And they also recognised Mr W’s comments regarding his elderly mother, and the additional impact this created. But our investigator thought the apology already offered by BBI was a fair one, considering Mr W and his mother were parked in a retail car park while waiting for an attendance. So, they didn’t think BBI needed to do anything more.

Mr W didn’t agree, and he provided several comments explaining why. These included, and are not limited to, Mr W’s belief that an apology wouldn’t be enough action for BBI to learn from their mistake and improve their service overall. He also didn’t think BBI appropriately took into consideration his mothers’ vulnerabilities, and he didn’t think it was fair to rely on the location the car was parked as he himself drove to the car park, with the flat tyre originating on a main road. So, Mr W maintained his belief that compensation should be paid.

Our investigator considered and replied to Mr W’s comments, but their view remained unchanged. Mr W continued to disagree 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.

Having done so, I'm not upholding the complaint for broadly the same reasons as the investigator. I've focused my comments on what I think is relevant. If I haven't commented on any specific point, it's because I don't believe it's affected what I think is the right outcome.

First, I want to recognise the impact this complaint has had on Mr W. I don't dispute the inconvenience Mr W would've been caused by when his tyre run flat unexpectedly. And I recognise Mr W took out the policy with BBI to help assist him both practically, and financially, in situations such as the one he found himself in. So, when he was given an approximate time for an attendance and BBI failed to honour this, I can understand the frustration and upset this would've caused. And I do recognise how this would've been made worse by the worry Mr W would've felt for his elderly mother, who was with him in the car at the time.

But for me to say BBI should offer something more than the apology already put forward, I would need to be satisfied that Mr W, as the policy holder, was impacted in such a way by an error that was within BBI's control that a financial compensatory award should be made. And in this situation, following our services approach, I don't think that's the case.

It's not in dispute that it took R longer to arrive at Mr W's location that was initially expected. I can see that within 30 minutes of Mr W making a claim, BBI called Mr W to make him aware that R had been instructed. I've listened to this call, and I'm satisfied BBI did suggest R should be with Mr W within 60-90 minutes.

But I note on this call, BBI did also explain that should this timeframe change, they would keep Mr W updated. On this occasion, I can see BBI called Mr W just before the 90-minute time period elapsed, to explain R had been delayed on a previous job. And so, there would be another 30–60-minute period before R should arrive. While I understand the frustration this would've caused, I don't think I can say BBI did anything wrong up to this point. While they set an approximate timescale initially, I think they acted fairly by proactively contacting Mr W when it became clear this timescale would be missed. And I don't think BBI were able to reasonably control the fact R had been delayed at another job beforehand.

But on this call, I do think they set another expectation that R would be with Mr W by around 10pm. And I can see that Mr W had to call BBI around 10 minutes after this timescale expired, as R still hadn't attended. I would've expected BBI to have been proactive in their update, as they had been initially. But they weren't. So, I can understand the frustration Mr W would've felt, as he would've been left wondering where R was, having already waited for around three hours at this point. But again, I don't think BBI were able to control the delays R experienced in reaching Mr W, due to the job R attended beforehand and the distance they had to travel.

So, I do think BBI's service could've been improved. But this doesn't necessarily mean a financial compensatory amount should be paid. Our service doesn't expect a perfect level of service; instead, we expect the service provided to be fair and reasonable overall. And even where we think the service a business has provided isn't fair, we need to consider the impact this service had on a customer, to decide whether financial compensation should be paid.

In this situation, Mr W is the policyholder. So, I'm only able to consider the impact had on Mr W. This means I can consider the worry and upset he felt because his elderly mother was

with him at the time. But I'm unable to consider the actual detriment his mother felt directly, as she isn't the eligible complainant.

And in this situation, I note that Mr W was parked with his mother in a retail car park and so, I don't think he nor his mother were at risk of immediate danger. I think this must be considered against the fact BBI were unable to control delays R faced from a previous job, and that he made a claim on a Friday evening and so, would be deemed out of normal working hours. And having done so, I don't think I can be satisfied that the additional hour delay after 10pm, where BBI didn't proactively update Mr W, has created an impact that is significant enough to say that the apology BBI offered wasn't a reasonable resolution to Mr W's complaint. Because of this, and all the above, I don't think I can say BBI should do anything more on this occasion.

I understand this is unlikely to be the outcome Mr W was hoping for. And I recognise Mr W doesn't feel an apology is a significant enough action for BBI to take on board his concerns and look to improve their services. But it's important to note it is not our service's role to punish a business, nor do we hold the powers to direct a business to change their internal processes. This would be the role of the industry regulator, the Financial Conduct Authority.

Instead, it is our services role to consider the individual circumstances of the complaint and the impact this had on the complainant and policyholder, who is Mr W on this occasion. And when doing so, we must be fair and impartial to both parties. And having considered the complaint with this in mind, I don't think it would be fair, or proportionate, for me to say BBI should do anything more than the apology they've already provided.

### **My final decision**

For the reasons outlined above, I don't uphold Mr W's complaint about Building Block Insurance PCC Ltd.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 27 November 2023.

Josh Haskey  
**Ombudsman**