

The complaint

Mr T has complained about Aviva Insurance Limited. He isn't happy about the way it dealt with a claim under his home insurance policy.

For ease of reading any reference to Aviva includes its agents.

What happened

Mr T made a claim under his home insurance policy in April 2021 after he had problems in relation to a leak in a water supply pipe. When Aviva got its agents to look into the claim it didn't deal with the claim satisfactorily to the extent that the repairer used incorrect piping that led to Mr T getting an enforcement notice. So Mr T complained to Aviva about this.

Aviva looked into the complaint and apologised for the delay, poor service, and errors it made and offered £400 compensation for this. But Mr T remained unhappy and felt that Aviva was looking to shift blame to its agents as opposed to taking responsibility for the problems caused. And Mr T also made a secondary complaint and Aviva offered £500 by way of compensation as there had been a breach of GDPR in the way it handled requests for data and the subsequent delays involved. Aviva also highlighted it would look to address any training needs identified by the failings and apologised. But Mr T remained unhappy, so he complained to this Service.

Our investigator looked into things for Mr T and although he agreed that Mr T hadn't been treated very well and that he had faced a fair degree of stress and inconvenience he thought Aviva's steps to put things right were reasonable. He thought the £900 compensation (total) was fair and in line with the kind of awards this Service would ordinarily make so he didn't ask Aviva to do anymore.

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 have a fair degree of sympathy for the position Mr T found himself after Aviva clearly failed to repair his property correctly. It must have been extremely worrying to have been given an enforcement notice, through no fault of his own, and to have worried about any effect a possible contamination of his water supply could have caused to his friend's daughter. But I think Aviva's offer of £900 compensation feels fair, I'll explain why.

I also 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.

It must have been extremely frustrating and disappointing to have found out the repair was not only incorrectly done but that Mr T faced possible enforcement issues. And for it to have dawned on Mr T that the repair could have impacted the health of people he knew. However, I can't award any compensation for what could have happened and fortunately nothing happened either in relation to poor health or enforcement and things were eventually put right.

I know Mr T Feels he faced obstruction and misleading statements from Aviva, and I can understand this. But my aim is to try and put Mr T back into the position he would have been but for the error and I feel Aviva have done this by offering the level of compensation it has offered. And our investigator has made Mr T aware that we are not the regulator and can't tell firms how to run their businesses, but I'm pleased to see Aviva has looked to learn lessons from Mr T's case in looking to undertake training for its staff. If Mr T has any further concerns here he will have to advance them with the regulator.

So, I know Mr T feels that people he knew were put in danger because of the repair going wrong but I feel the level of compensation offered covers the worry and stress about this possibility (as fortunately nothing untoward happened). And I note Mr T has said that the compensation level is of minimal importance to him anyway, so I think £900 (total) feels fair in acknowledgement of the poor service, mistakes made, delay, and the way Aviva dealt with Mr T's data requests.

Given all of this, I think Aviva's offer of compensation for the errors caused in this case is fair. I know this will come as a disappointment to Mr T, who clearly faced a difficult time because of the way Aviva handled his claim and, understandably, doesn't want anyone else to face the problems he has faced. But I can only look at the particular circumstances of his case, I can't punish businesses for any mistakes they may make and, ultimately, I think Aviva's steps to put things right seem reasonable.

My final decision

It follows, for the reasons given above, that I think Aviva Insurance Limited's offer of £900 (total) compensation is fair.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 24 August 2023.

Colin Keegan
Ombudsman