

The complaint

Mr G complains about Accelerant Insurance Europe SA/NV's decision to decline a claim he made under a block building insurance policy. He's also raised concerns about how the claim has been handled.

Accelerant is the underwriter of this policy, and the underwriter is responsible for complaints about claims. Part of this complaint is about what happened with other businesses (agents) that did work for Accelerant. As Accelerant has accepted it is responsible for anything these other businesses did, any reference to Accelerant includes the actions of the other businesses.

What happened

Mr G is a beneficiary of a block insurance policy that was taken out by the freeholder of his property. The freeholder is his local council.

In mid-2023, Mr G made a claim under the policy because his property had been damaged due to a leak in the roof of the building. Mr G raised a number of concerns about how his claim was being handled by Accelerant's agents ("Q"). His concerns included Q's communication with him. Mr G said he didn't want his claim to be handled by Q.

After Mr G's property was inspected by a surveyor, Accelerant declined his claim.

Mr G raised a complaint, but Accelerant maintained its position. It said none of the damage noted by the surveyor or shown in the pictures had happened because of an insured peril. Although the damage might have worsened during periods of rain, it was not the rain that caused the damage to the roof. The roof was allowing water into the property because it had not been maintained.

Accelerant also said it didn't believe that any of the emails from its representatives had been rude, misleading or discriminatory. It had not found any evidence that Mr G had been treated unfairly or differently from any other claimant.

Accelerant said Q had advised that Mr G had phoned about a Data Subject Access Request (DSAR). But there was no record of this request. It said it was happy to share the information it had relied on to reach a decision on Mr G's claim without him needing to make a formal request. Mr G was also entitled to ask for all the personal data it held on him. This was a DSAR. But it didn't give him the right to access specific documents or the entire file.

Mr G remained unhappy and asked our service to consider his concerns. Our investigator didn't think Mr G's complaint should be upheld. She didn't think Q had treated Mr G differently or unfairly. She also didn't think it was unreasonable for Accelerant to decline the claim.

Mr G disagreed with our investigator's outcome. He said there was no evidence he'd been aware of the roof condition, or that it was leaking before November 2022. The report and images of the damage were from August 2023. He also commented that Accelerant had

assumed that the leak was due to the roof not being maintained but he hadn't seen any evidence of this. So, the complaint has been passed to me to decide.

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've decided not to uphold Mr G's complaint. I'll explain why.

Decline of claim

The terms of the policy provided cover for damage to Mr G's building, but not to his contents.

To be able to claim under a policy, a policyholder needs to show that the damage or loss was caused by an insured peril. One of the perils listed in the policy's terms and conditions is "accidental damage". This is defined as: "Sudden and unexpected damage caused by external and visible means."

Accelerant says the internal damage to Mr G's property wasn't due to accidental damage or any other insured peril. It says the roof of the building was allowing water into the property when it rained because of a lack of maintenance.

Accelerant has also referred to an exclusion in the policy which means "loss or damage caused by anything that happens gradually" isn't covered.

Mr G says the leak was first reported to the council in November 2022 and the survey didn't take place until August 2023. He doesn't think the claim should have been declined after nine months of the roof leaking.

Mr G has sent us a copy of an email from the council which says a general inspection of the roof was carried out in November 2022. It says: "They concluded the roof was in a generally poor condition and several tiles were damaged."

I appreciate Mr G would like to see further evidence that the roof wasn't maintained. However, the council is responsible for the maintenance of the roof, and it's said it was in poor condition. I haven't seen any evidence to show that the damage was sudden or unexpected which might mean it being caused by the "accidental damage" peril. Nor have I seen any evidence to show that the damage was caused by any other peril listed in the policy's terms and conditions. So, I think it was fair and reasonable for Accelerant to decline Mr G's claim.

Customer service

I can see from the information Accelerant has provided, that Mr G raised a number of concerns about the customer service he received from Q when it was dealing with his claim.

It's noted that Mr G called to make his claim just before 5pm. He was told his details would be passed over to the new claims department to be logged the next day. This was because the new claims department had finished working for the day. I understand Mr G was unhappy that the claim wouldn't be logged straight away, and he asked to speak to a manager.

A member of the new claims department called Mr G to attempt to log his claim early the next morning. Mr G said he wanted to speak to a manager. A manager called him shortly

afterwards. She asked for Mr G's address so she could progress his claim and complaint for him, but it seems he wouldn't give her this information because he felt it should have been taken the day before.

I appreciate Mr G was frustrated that the full details of his claim weren't taken when he called. But it isn't our services role to tell a business what processes to follow or what its opening hours should be. I think Q took reasonable steps to try to get the claim logged as soon as it could.

Mr G was also unhappy about how he was spoken to when a representative from Q called him to confirm a loss adjuster's appointment. Mr G was told that a survey had been pencilled in and was asked if he was available for it. Mr G said he wasn't available because he would be at work. However, the representative asked him the same question again. Mr G said he didn't want to speak to her anymore because he found her patronising and she wasn't listening. I understand that Mr G was upset by the call. But, having listened to it, I think it's likely that the representative misheard Mr G's answer to the question.

After this, I can see that a manager spoke to Mr G and also communicated with him by email. Mr G then said that he wanted his case to be returned to the insurance company as he felt Q was unprofessional.

There don't appear to be any recordings of Mr G's conversations with this manager. She's noted telling Mr G that the calls wouldn't be recorded because they were on her mobile phone. However, I think the emails from her and other members of staff were polite and professional. It seems that Q had some difficulty arranging a loss adjuster's visit with Mr G. But I think it made reasonable attempts to progress his claim.

A manager from Accelerant's complaints team sent him an email in mid-July informing him that Q's role was to help validate his claim. It said it didn't have an alternative third party agent to deal with it and it didn't have capacity to deal with it in-house.

I can see that Q later advised Mr G that Accelerant had appointed another company to deal with his claim and Q was no longer involved. Q also refused to accept Mr G's phone calls.

Mr G says Accelerant didn't inform him directly that Q would no longer be dealing with his claim. He says he was contacted by another company who promised to call him but never did.

In Accelerant's response to Mr G's complaint, it said it had appointed a surveyor to assess the damage and had relied on their expert opinion to decline the claim. But it's told us that the surveyor who inspected the property was appointed by the council. So, there appears to have been some miscommunication here. But I don't think this impacted the progress or outcome of Mr G's claim.

Discrimination

I can see Mr G suggested he was being treated unfairly because of his race several times during Q's handling of his claim.

I'd like to assure Mr G that I've taken his concerns seriously. However, I must explain that our service doesn't have the power to make a finding of discrimination under the Equality Act 2010 – that is only something the Courts can do. But, in deciding whether Mr G was treated

fairly, I've taken the Equality Act into consideration, alongside all the evidence provided by both parties.

I've listened to a recording of Mr G's conversation with the manager who called him the day after he tried to log his claim. Mr G suggested she was treating him as uneducated because of his race and he said he was offended. This was after the manager had told him she needed his address to log his claim and complaint more than once. I appreciate Mr G was annoyed that the information needed to log his claim hadn't been noted the day before. But I think the manager was trying to get the details she needed to progress things for him.

Later on in the claim, Mr G suggested another manager wouldn't give him an email address for Accelerant because of his race. From what I can see, the manager was trying to find out who was the right person for Mr G to contact before she passed their details on.

Mr G also suggested that Q was discriminating against him because of his race after it told him it would no longer be dealing with his claim. However, this was after Mr G had said he didn't want Q to deal with it. Previous communication between Mr G and Q doesn't appear to have been productive. So, I don't think it was unreasonable for Accelerant to arrange for a different company to progress his claim.

I appreciate that Mr G feels Q treated him differently because of his race. But having carefully considered the information available to me, I haven't concluded that it acted unfairly. I hope it helps Mr G to know that someone impartial and independent has looked into his concerns.

I know my answer will be disappointing for Mr G, but overall, I think Accelerant has acted fairly and reasonably. So, I don't think it needs to do anything further.

My final decision

For the reasons I've explained, I don't uphold Mr G's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 12 February 2024.

Anne Muscroft
Ombudsman