

The complaint

Mr and Mrs B complain that Amtrust Europe Limited declined an insurance claim for to damage to their sofa.

Where I refer to Amtrust, this includes its agents and claims handlers acting on its behalf.

What happened

Mr and Mrs B took out an insurance policy, underwritten by Amtrust, which provides cover for their sofa. When they noticed a mark on the sofa they made a claim on the policy.

Amtrust arranged for a technician to inspect the sofa. They said they had checked the mark and it was due to grease and staining which had built up over time. Amtrust said this wasn't covered by the policy and rejected the claim.

Mr and Mrs B complained but Amtrust didn't change its position. When they referred the complaint to this service our investigator said Amtrust had applied the policy terms correctly, so she didn't uphold the complaint.

Mr and Mrs B disagree and have requested an ombudsman's decision. They say Amtrust has changed its policy and is not applying the policy terms in line with the policy they bought.

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.

The policy provides cover for sudden accidental damage and stains. There's no cover for wear and tear or stains that happen gradually over time.

Amtrust arranged for a technician to inspect the sofa. They examined the sofa and carried out a heat test. The technician said the issue was caused by a build up of grease contamination over time; it wasn't accidental damage.

I've considered what Mr and Mrs B say about the nature of the staining, and I know they say the technician caused further damage when he carried out the heat test. But the report is clear that this isn't accidental damage; it's something that happened gradually, and damage wasn't caused by the testing. It's reasonable for Amtrust to make its decision based on expert advice.

While Mr and Mrs B disagree, they haven't provided any independent report. In the absence of that and based on what the technician appointed by Amtrust has reported, I'm satisfied its decision is in line with the policy terms and is fair.

My final decision

I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B and Mr B to accept or reject my decision before 23 October 2023.

Peter Whiteley
Ombudsman