

The complaint

Mr H and Mrs H's complaint is about Amtrust Europe Limited's handling of a claim made under a housing warranty insurance policy.

What happened

Mr and Mrs H made a claim for water ingress through a housing warranty insurance policy underwritten by Amtrust.

Amtrust accepted the claim and appointed an agent who I'll refer to as M to investigate the cause of damage and prepare a scope of works for the repairs.

Repairs were attempted to the property but didn't fix the issue. Mr and Mrs H complained to Amtrust as they were unhappy with M's management of the claim over the previous 18 months.

Amtrust responded to Mr and Mrs H. It agreed there had been delays and poor service during the claim. It provided a timeline of events and highlighted where it thought the service provided wasn't good enough. And it offered Mr and Mrs H £350 compensation for the distress and inconvenience caused by M.

Mr and Mrs H were unhappy with Amtrust's response and referred the matter to our service. They didn't think it placed enough weight on M's conduct, and they thought the offer of compensation was too low.

Our investigator looked at everything and recommended the complaint be upheld. They concluded there were around nine months of avoidable delays during the claim which had an impact on Mr and Mrs H. So, they recommended Amtrust increased the amount of compensation to £800 total to better reflect the distress and inconvenience caused.

Amtrust accepted our investigators findings. Mr and Mrs H emphasised that their complaint was about M's conduct, and in order to resolve things they wanted a formal letter of apology signed by named individuals at M. They said that otherwise they would have no way of knowing if those responsible would be held to account, and in order to reduce the possibility of the same thing happening to other customers.

Amtrust said it had acknowledged the poor service and apologised in its final response. It added that it reviewed all upheld decisions from our service and took collective and individual action where required to improve its service. But it didn't agree that it was reasonable to single out individuals in this manner when considering poor service.

The matter has now 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.

What follows is a brief summary of the key points I consider relevant to my decision. This isn't intended as a discourtesy to either party. It simply reflects the informal nature of this service. But I've carefully considered everything that has been provided in reaching my decision.

Mr and Mrs H have been clear that their complaint is about the actions of M, and that their dealings with Amtrust directly have been satisfactory. And they've also said that this isn't a matter concerning financial compensation. But they are unhappy that M has appeared to act without consequence.

I accept the strength of feeling Mr and Mrs H have here. The claims process has clearly caused them a level of disruption, distress, and upset. So, I can understand why they want to hold certain individuals to account.

Our role isn't to regulate or reprimand businesses. And our awards aren't intended to be punitive; where we think an apology is required, we will recommend a business does so. But I'm unable to compel a business, or an individual at a business to admit something. I can only look at whether Amtrust has treated Mr and Mrs H fairly and reasonably.

In this claim, M are the appointed agents of Amtrust. Therefore, Amtrust is responsible for the actions of M in line with the rules which govern our service. I can see that Amtrust has apologised to Mr and Mrs H for the poor service they received from M and offered them compensation. Having reviewed everything, I think that the £800 compensation now recommended for the avoidable delays is fair, and in line with awards our service has made in similar complaints.

I'm also persuaded that Amtrust's apology is reasonable in the circumstances. So, I won't require it to do anything further than our investigator recommended.

My final decision

My final decision is that I uphold this complaint in part. In order to put things right for Mr H and Mrs H, Amtrust Europe Limited must pay them a total of £800 compensation for the distress and inconvenience caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H and Mrs H to accept or reject my decision before 21 April 2022.

Dan Prevett
Ombudsman