

The complaint

H and Mr D complain about the way Aviva Insurance Limited (“Aviva”) handled a claim under a Property Owners policy.

What happened

Your text here The circumstances of this complaint are well known to both parties, so I’ll only summarise them here.

- The premises insured by H and Mr D suffered damage following an escape of water in February 2020 and a claim was submitted to Aviva.
- H and Mr D tell us Aviva failed to carry out works to an acceptable standard causing delays in completing repairs to a satisfactory standard.
- H and Mr D tell us costs were incurred as they found it necessary to engage Mr D to hold Aviva to account and ensure the works were completed to a satisfactory standard.
- Aviva acknowledge the claim should’ve been resolved sooner and offered to pay £750 compensation in recognition of the level of delays and inconvenience caused.
- H and Mr D say this isn’t acceptable as it leaves H out of pocket by more than £3,000 as it had paid Mr D £4,050 for the services he provided.
- H and Mr D brought the complaint to this service and our investigator said the offer by Aviva was fair and in line with what she’d have recommended given the significant inconvenience and disruption that needed a lot of extra effort to sort out.
- H and Mr D asked that an ombudsman decide the case and said H was seeking compensation for the direct financial loss H incurred, not just the inconvenience.

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 reached the same outcome as our investigator, and largely for the same reasons.

When I refer to Aviva I include its agents and contractors.

I appreciate H and Mr D have strong feelings on his case, and if I don’t mention a particular point or piece of evidence, it isn’t because I haven’t seen it or thought about it. It’s just that I don’t feel the need to reference it to explain my decision. I hope H and Mr D don’t take this as a discourtesy, it’s just a reflection of the informal nature of our service.

Having reviewed the claim history I find it clear that Aviva made mistakes in its handling of this claim, and that it was necessary for Mr D to point out these mistakes and ask that they be resolved.

H describes itself as a club and is set up as a partnership. H says the premises are not let or hired or run as a business and are used exclusively by the partners to carry out club activities. H tells us it engaged Mr D to deal with Aviva. Mr D is a partner in H and has kept a record of the time he has spent dealing with the claim. He says that he spent a total of 216 hours on what he describes as the project, and 54 of those hours were entirely due to Aviva's poor practices. And has been paid £4,050 for those 54 hours by H.

It is inevitable a claim of this nature will bring with it an element of disruption and inconvenience to the policyholder. There is no dispute Aviva made mistakes in this case. And those mistakes and subsequent delays caused additional disruption to H and Mr D, and a greater level of involvement to sort things out than might otherwise be expected of a policyholder in a claim of this nature. I've carefully considered what H and Mr D have said about needing to intervene and hold Aviva to account and I'm satisfied they did have to put in extra effort.

I'm mindful H engaged Mr D, who is one of the joint policyholders, on a commercial basis, to sort things out and therefore incurred costs. But that was a choice H and Mr D made.

On balance, having carefully considered the circumstances of this case, I'm satisfied the offer is fair and in line with the award I'd have made in recognition of the significant extra effort required from H and Mr D to sort out the mistakes made by Aviva.

My final decision

For the reasons above I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask H and Mr D to accept or reject my decision before 19 February 2024.

Martyn Tomkins
Ombudsman