

The complaint

Ms K complains that AXA Insurance Designated Activity Company (“AXA”) mishandled a claim on her motor insurance policy.

What happened

The subject matter of the claim and the complaint is a car. In February 2023, Ms K had the car insured on a policy with AXA. Unfortunately, she reported that a third party had damaged the car near a public building.

AXA arranged for an independent loss adjuster or claims investigator to interview Ms K.

On about 8 March 2023, Ms K complained to AXA about the loss adjuster’s behaviour.

By a final response dated mid-March 2023, AXA turned down the complaint. It said its claims investigator had acted appropriately.

Ms K brought her complaint to us in mid-August 2023.

Our investigator recommended that the complaint should be upheld in part. He thought that AXA was responsible for delay in submitting a request for CCTV. He recommended that AXA should pay Ms K £75.00 in recognition of this.

AXA accepted the investigator’s opinion.

Ms K disagreed with the investigator’s opinion. She asked for an ombudsman to review the complaint. She says, in summary, that:

- She has already provided us with details.
- The loss assessor treated her unfairly.
- She has made a complaint to the police regarding them sharing her information with the other driver.

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 Financial Ombudsman Service deals with a consumer’s complaint against a regulated financial firm about regulated financial activities. I can’t comment on Ms K’s complaint to the police about sharing her information.

From the file, I’ve seen that Ms K didn’t want to pay the policy excess to get her car repaired before it had been established that the third party was liable for the accident.

AXA appointed a loss adjuster to look into what had happened.

I've weighed up what Ms K has said with what the loss adjuster has said. Whilst I accept that Ms K had genuine concerns, I haven't seen enough evidence to say that the loss adjuster treated Ms K unfairly. I consider that there was a miscommunication about timings, but I haven't seen enough evidence to show that the loss adjuster was at fault for this.

AXA didn't ask for the CCTV until about 10 March 2023, by which time it was unavailable. I accept that Ms K expressed dissatisfaction about that, although AXA didn't cover such a complaint in its final response a few days later.

I consider that AXA should've asked for the CCTV sooner. I can see why Ms K believes that its unavailability has delayed the process of establishing liability and delayed getting her car repaired.

However, it was Ms K's decision not to pay the excess to get her car repaired. And there was a dispute between Ms K and the third party about liability. That was, in my view, bound to take some time (months if not years) to resolve. So I don't find it fair and reasonable to direct AXA to pay compensation for the delay.

Nevertheless, I accept that the delay in asking for CCTV caused Ms K extra upset at an already difficult time for her. She must've been troubled by the thought that the CCTV might've been available and supported her in the dispute.

Putting things right

All things considered, I agree with our investigator that it's fair and reasonable to direct AXA to pay Ms K £75.00 for distress and inconvenience.

My final decision

For the reasons I've explained, my final decision is that I uphold this complaint in part. I direct AXA Insurance Designated Activity Company to pay Ms K £75.00 for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms K to accept or reject my decision before 28 March 2024.

Christopher Gilbert
Ombudsman