

## The complaint

Mr and Mrs B complain about Soteria Insurance Limited's handling of their buildings insurance claim.

All references to Soteria also include its appointed agents.

## What happened

My decision considers everything that has happened up to Soteria's final response to Mr and Mrs B in September 2023.

In summary, Mr and Mrs B are unhappy with Soteria's handling of their subsidence claim. The claim was made in 2017. The subsidence has affected a third party in the same building, who made a claim through their own insurer ("TPI"). The claim has been handled between both Soteria and TPI.

The cause of the subsidence was identified to have been a nearby tree – which was identified as belonging to the Local Authority ("LA"). Following investigations, LA agreed to pollard the tree on more than one occasion, but this didn't work. LA didn't agree with the tree's removal, which meant Soteria had to proceed to alternative repair methods.

Following this Mr and Mrs B said things failed to progress and works still haven't been completed at the property. They made a complaint to Soteria about the handling of their claim.

In its response Soteria accepted there had been failings in its handling of Mr and Mrs B's claim. Including a considerable delay in progressing the case after LA confirmed it wouldn't remove the tree, poor communication and providing incorrect information on several occasions. In recognition of this, Soteria offered Mr and Mrs B £750 compensation.

Mr and Mrs B were unhappy with this, so they brought their complaint to our service.

Our investigator didn't recommend the complaint be upheld. She found Soteria had caused delays in progressing the claim, but felt the compensation it had offered fairly reflected the distress and inconvenience caused to Mr and Mrs B.

Mr and Mrs B disagreed with our investigator and asked for an ombudsman to review the matter.

I wrote to both parties on 12 June 2024 to say that based on what I've seen so far, I intended to uphold Mr and Mrs B's complaint and direct Soteria to pay them £1,250 compensation for the distress and inconvenience its actions have caused.

In my provisional findings I said:

*"There is often an element of inconvenience in claims, and they can take some time to resolve, this doesn't necessarily mean something has gone wrong or there is an avoidable delay. I acknowledge there are things that have happened during the claim that have caused unavoidable delays such as the Third-Party Insurer (TPI) disagreeing with the proposed*

*repairs put forward by Soteria in 2021.*

*However, in its final response, Soteria acknowledged several failings in its handling of the claim and has itself referenced causing considerable delays in progressing the claim to a senior subsidence specialist.*

*Soteria's notes show it was aware of the Local Authority (LA)'s stance it would only consider pollarding the tree around May 2019. It was noted further monitoring was intended to be carried out until November 2019. After this I would have expected the claim to progress to the next stage, but I can't see this happened until January 2021, when Soteria said the senior subsidence specialist was engaged – over a year later.*

*In its final response Soteria additionally highlighted several instances of poor communication or service in its handling of the claim. It provided incorrect information about an underpinning scheme being put together around October 2019 and I can see there were also issues with its communication regarding further monitoring at the property in 2023, including incorrectly requesting to take an additional third reading, which prolonged repairs potentially beginning. Mr B has explained his individual health circumstances and his concerns to Soteria, and they've been aware of these throughout the claim. And while claims of this type by nature can be stressful and prolonged in nature, I think Soteria's actions have caused avoidable delays and additional unnecessary concern to Mr and Mrs B.*

*Soteria has offered Mr and Mrs B £750 compensation in recognition of the distress its action have caused. However, I don't agree that this sufficient and for the reasons I've set out I feel £1,250 more accurately reflects the distress and inconvenience caused."*

## **Responses to my provisional findings**

Soteria responded to say it had no further comments following my provisional findings.

Mr and Mrs B provided further information about the impact matters have had on their mental health and wellbeing.

## **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.

I've reconsidered all the available information along with Mr and Mrs B's additional submissions, but it doesn't change my decision – or my reasoning.

I understand Mr and Mrs B feel very strongly about what has happened, this is their home and the matter has been ongoing for some time. And they do have my natural sympathy about this.

However, having reviewed everything available to me, I'm satisfied the award I made in my provisional decision is fair and reasonable for the reasoning I set out.

## **Putting things right**

To put things right Soteria should pay Mr and Mrs B £1,250 compensation.

## **My final decision**

My final decision is that I uphold Mr and Mrs B's complaint.

To put things right I direct Soteria Insurance Limited to do as I've set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs B to accept or reject my decision before 30 July 2024.

Michael Baronti  
**Ombudsman**