

The complaint

Mr P complains about the way Royal & Sun Alliance Insurance Limited (“RSA”) dealt with a claim on his motor insurance policy, in particular about how certain calls were handled and about access to his motor legal protection cover.

What happened

Mr P was involved in a car accident in October 2023. He made a complaint about the way RSA dealt with the claim and an ombudsman issued a final decision on that complaint.

Mr P then made further complaints. This complaint concerns calls he made to RSA in January 2024. Mr P is unhappy with the way those calls were handled and says RSA was trying to prove he was involved in fraud, he was discriminated against, and some of the calls lasted much longer than was necessary.

Our investigator considered the calls. She noted that RSA had paid compensation of £100 because Mr P had not received a call back when promised, and had had to pay postage for call recordings sent to him (which was reimbursed). She said overall, the calls had generally been handled professionally and thought the compensation of £100 was fair.

The investigator also said motor legal protection insurance would be relevant in non-fault claims and that wasn’t the case with Mr P’s claim.

Mr P disagrees and has requested an ombudsman’s decision. He says some of the calls were either unnecessary or went on too long. He’s particularly concerned about one long call, where he says the call handler interrupted and corrected him, said things that were not true and was trying to goad him.

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.

Mr P has provided detailed comments. We were set up to provide an informal alternative dispute resolution service and our role is to provide an impartial review, quickly and with minimal formality. I’ve considered everything he has said and listened to recordings of his calls with RSA. But I won’t comment in detail on every single point that has been raised and will focus on the key points that are relevant to the outcome I’ve reached.

In his submissions Mr P says he’d like the ombudsman to issue provisional findings. Having considered all the documents and listened to the call recordings, I’m satisfied I have the evidence I need to reach a decision.

In the first call, the call handler explained that the purpose was to give Mr P the opportunity to provide any additional information he wanted RSA to consider about the way his claim had been handled. About 20 minutes into the call Mr P said he wanted to stop, but the call carried on.

Mr P says that shouldn't have happened, but he could have ended the call at any point if he wanted to. He had a lot of information he wanted to provide and it was reasonable for the call handler to give him the time to go through it.

Mr P spoke about his understanding of the accident and why he thought RSA hadn't investigated it properly. The call handler explained he was taking notes and at some points stopped to clarify things. Mr P said he had the impression the call handler wasn't happy about him referring his complaint to this Service but I don't think the call handler said anything to show that. He explained that Mr P had the right to refer the complaint and discussed the process for doing this.

There was some tension at points in the call, with Mr P and the call handler talking over each other on occasions, but the call handler acknowledged it was a difficult conversation and apologised if he had contributed to that. Overall, the call handler listened attentively while Mr P went through his concerns. I can understand why he didn't want to commit to anything at that stage, as he was simply listening to Mr P explaining his concerns about the claim.

The call handler explained that he hadn't read through the file and the point of the call was for Mr P to say what he was unhappy about. He wasn't making accusations against Mr P. He did on occasions clarify some points but that was reasonable and he wasn't goading Mr P. Overall I think the call handler acted reasonably.

While it was a long call, the call handler didn't force Mr P to stay on the call. As I've said, the aim was to allow Mr P to set out his concerns and at the end of the call he commented that he appreciated Mr P going through it as that would help him look into things.

There was a further long call but in that call Mr P said he wanted to log a number of complaints. There were periods when the call handler was quiet but that was because he was making notes of all the concerns Mr P was raising.

He then made a further call as he hadn't received a call back as promised. On that call Mr P spoke to two people and explained he wanted to log several separate complaints. The first person said they would be dealt with these under one reference number and explained RSA's process would allow them to consider various points within one complaint.

It's not generally my role to tell a business what process to follow and provided RSA dealt with the matters Mr P raised, it was able to decide whether to deal with them together or split them.

Mr P is also unhappy that his policy includes motor legal protection insurance but that wasn't used.

RSA said motor legal protection provides cover in non-fault claims for recovering uninsured losses from a third-party. That might be things like loss of earnings, personal injury and loss of use of a vehicle.

This applies where the policyholder was not at fault, they have suffered losses not covered by their own policy, and they want to pursue the other driver for those losses. There needs to be legal advice that a claim against the other party is likely to be successful. This is set out in the policy terms.

As RSA decided Mr P was at fault, and this only applies to recovering loss in non-fault claims, it wouldn't be relevant here.

I know Mr P has concerns about the circumstances of the accident and I appreciate the importance of this to him. But we have already considered a complaint about the decision on the claim and a final decision has been issued on that, so it's not something I can consider here. In relation to the limited issues in this decision, I consider the way RSA dealt with these matters was fair.

RSA acknowledged Mr P hadn't received a call back when promised and had to pay postage on call recordings that were sent to him. I understand RSA reimbursed the postage and apologised that he didn't receive the call back. It also paid £100 compensation for the distress and inconvenience caused. In the circumstances that was fair.

My final decision

My final decision is that I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 10 September 2024.

Peter Whiteley
Ombudsman