

## **The complaint**

Mr M complains that Royal & Sun Alliance Insurance Limited (“RSA”) wouldn’t respond to him when he complained about discrimination during claims he made under his motor insurance policy.

## **What happened**

Mr M had a motor insurance policy with RSA covering his car. He’s made claims and complained about RSA’s handling of them. Complaints about these have been made to RSA and previously reached this service.

Mr M raised further complaints about the way RSA dealt with issues he raised covered under the Equality Act 2010. He feels RSA’s responses caused him and his family distress due to it disregarding his needs.

During his claim, he told RSA about his need for an adapted car and he wasn’t happy with its response which said many customers using the same scheme as Mr M didn’t need adaptations.

He was also told by RSA that mental capacity isn’t taken into account with insurance policies. Mr M found this insensitive and discriminatory.

In its final response, RSA said it wouldn’t provide Mr M with any further responses.

Mr M brought his complaint to this service. He wasn’t happy about RSA’s lack of response to his complaint. Our investigator looked into it and thought it would be upheld. She thought RSA hadn’t sensitively listened to and addressed Mr M’s concerns, and it’d caused him distress. She thought it should pay him £100 compensation.

RSA agreed with the view but Mr M didn’t. He asked for the complaint to be reviewed by an ombudsman, so it has been passed to me for a final decision.

## **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 can see from the file that there’s been extensive correspondence from Mr M about various aspects of this complaint and the claims he’s made.

Following the view, Mr M has made further comments about RSA’s responses to him. I need to point out that I’m only able to consider aspects of his complaint that have been considered by RSA and for which it’s provided him with a final response. RSA has said it won’t respond further to his complaints about alleged discrimination, so this decision relates to RSA’s handling of his complaint about discrimination only. I can’t look at Mr M’s complaints about the claims service he’s had from RSA as those have been subject to previous final responses from RSA.

But I'd like to assure Mr M that I've read all of the file carefully. I won't refer to all of it here and, instead, I will focus on what I'm able to deal with under this complaint.

I'm upholding Mr M's complaint.

It's my role to look at RSA's actions and see if it has acted fairly and reasonably when dealing with Mr M.

Mr M is unhappy with the lack of response from RSA regarding his complaint about discrimination under the Equality Act 2010.

I can see from the file that RSA hasn't dealt with this complaint point. Instead, it's said it wouldn't respond further to him at the end of its process dealing with his complaints about his claims. Put simply, I don't think it's fair that RSA has done this, and I think it should have responded to Mr M's concerns.

The Equality Act protects against unlawful discrimination arising from disability as defined in the Act:

*"Unfavourable treatment because of something arising in consequence of that persons disability and It cannot be shown that the treatment is a proportionate means of achieving a legitimate aim."*

What I need to assess is whether RSA discriminated against Mr M. In other words, did they give him unfavourable treatment. I can see from the file that RSA denies this is possible. It said it had no knowledge of a particular customer's disabilities, so it couldn't have discriminate against Mr M on this basis.

But it seems to me that by denying Mr M a response to his concerns about discrimination during the claims process, RSA's actions have impacted Mr M. I can see from his evidence that Mr M thinks this is especially so because he feels RSA has ignored his personal needs. He says it's affected mentally and caused significant stress, not least because his car is a significant payment for him every month.

Having read the file of evidence, I don't agree that RSA has discriminated against him, directly or indirectly. What I can say I think RSA's handling of him should have been better. I think there were times when Mr M felt as though his situation wasn't being understood by RSA's handlers – for example when he was provided with a replacement car, RSA said it would send him an un-adapted car as many of its customers didn't need them. Mr M did need them, and he felt RSA hadn't handled this issue well because of his disability.

I've thought about this. RSA said it didn't have details of Mr M's disabilities, which is the same as all its other customers on the particular scheme as Mr M. So when it provided customers with a replacement car, it would be 'standard' and un-adapted. I do appreciate Mr M's strength of feelings on this point, but I don't think it shows RSA discriminated against him as it had the same approach to every customer needing a replacement car.

I was sorry to read about Mr M's collision taking place on a significant anniversary. It's my understanding he told RSA about the impact of this on him, and was told mental capacity isn't taken into account. Again, I don't reasonably think this is discriminatory, but I agree with him that RSA may well have been able to deal with this issue more tactfully.

Taking everything into account, I don't think RSA has approached Mr M's situation as sensitively as it could have.

Mr M has told this service about his distress. I can see from the file that his approach to RSA meant it ended some of his calls to it due to his bad language. But I do think that some of that was likely due to frustration that RSA wasn't treating Mr M as he would have wished.

So I think it's fair I say RSA should have investigated his complaint in more depth, as by not doing this effectively RSA may have frustrated Mr M's claims process. It follows that I can see its failure to do this has caused Mr M some distress. I've thought carefully about this and considered this service's guidelines on compensation, and I think the award £100 is fair in the circumstances.

### **My final decision**

My final decision is that I uphold this complaint. I direct Royal & Sun Alliance Insurance Limited to pay Mr M £100 compensation for his distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 27 September 2024.

Richard Sowden  
**Ombudsman**