

The complaint

Mrs C complains about Fairmead Insurance Limited's handling of her Buildings Insurance claim.

All references to Fairmead also include its agents

What happened

The details of this complaint are well known to both parties, so I won't repeat them again here. Instead I'll focus on giving my reasons for my decision.

My provisional findings

I sent my provisional findings to both parties on 4 February 2022. In this I set out why I needed to reduce the compensation awarded by our investigator. I explained:

"Our service previously considered a complaint from Mrs C regarding Fairmead's handling of her claim. An ombudsman provided a final decision in September 2018. My investigation focusses on events following this decision; however, I may refer to events prior to this where necessary for contextual purposes.

I understand Mrs C has strong views about what has happened and has provided detailed submissions to support the complaint. I'm sorry to hear of the issues she's described, and the impact she said it has had on her and her family. I want to assure her that I've read and considered everything she has said carefully.

However, my intended findings focus on what I consider to be the central issues of the complaint, and not all the points raised. I don't mean this to be a discourtesy. But the purpose of my decision isn't to address every single point the parties have raised or to answer every question asked. My role is to consider the evidence presented by Mrs C, and by Fairmead, to reach what I think is a fair and reasonable decision based on the facts of the case.

What I've provisionally decided – and why

- *The previous decision addressed the initial stages of the claim and provided direction as to the next steps that should be taken. Its consideration included the action of excavation of the driveway and reinstating the tarmac. I will not therefore be commenting on the tarmac or its aesthetic appearance as this was covered in the previous decision*
- *I can see our investigator's view extended to comment on, and award compensation, for matters which fell under the previous ombudsman's directions. Under our rules I am unable to reconsider matters previously decided - or how Fairmead carried out those directions. As such I will not comment on these here, and while the investigator has awarded compensation, this is not something I am able to do for the same reasons*

- *All parties agreed, in the previous decision, the pipe was the issue – not the Septic Tank. So my investigation, and my intended decision, concerns Fairmead’s decision to further decline the claim*
- *I can see Fairmead questioned the original construction of the tank, and I can understand Mrs C’s frustration and concern here. But as its ultimately declined the claim as it feels no insurable event has taken place, I won’t be commenting further regarding the installation of the system*
- *Fairmead said the soakaway had failed gradually and not due to a one-off event – so no accidental damage had occurred. And from the information provided I haven’t seen anything that persuades me Fairmead’s conclusion here is obviously wrong. So I don’t think it declined the claim unfairly at that time*
- *The system’s septic tank has subsequently been reported as damaged and a separate claim was initiated.*
- *In the meantime, I can see Mrs C replaced the tank and Fairmead have since chosen to settle for the full cost of replacing it. Which I think is reasonable in the circumstances*
- *From considering all the available information while I think Fairmead declined the claim reasonably, I do think some compensation is still due. I can see Mrs C asked Fairmead if all email correspondence could also be sent by post in February 2019. She explained she had missed email correspondence due to being unwell and in other emails around this time, explained she had been in hospital.*
- *This didn’t happen – and I can’t see Fairmead ever acknowledged this request. I can understand how this would’ve made the claim harder to manage for Mrs C in what was already a stressful situation by nature. Our Investigator recommended £200 compensation be paid to Mrs C, and I think this is within the region of what I think reasonably reflects the inconvenience caused by this, so I don’t intend to alter this*

Putting things right

To put things right, I intend to direct Fairmead to pay Mrs C £200 compensation”

Responses to my provisional decision

Fairmead accepted my provisional decision.

Mrs C has provided no further response or comments to my provisional findings

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 reconsidered everything, I see no reason to depart from my initial findings – or my reasoning. So my final decision remains that I uphold Mrs C’s complaint for the reasons set out above

Putting things right

To put things right, I direct Fairmead to pay Mrs C £200 compensation.

My final decision

My final decision is that I uphold Mrs C’s complaint.

I direct Fairmead Insurance Limited to do as I’ve set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs C to accept or reject my decision before 31 March 2022.

Michael Baronti
Ombudsman