

The complaint

Mr A complains about delays caused by Advantage Insurance Company Limited (Advantage) when validating his claim following the theft of his car, under his motor insurance policy.

What happened

Mr A's car was stolen in October 2022 from his garage. He made a claim to Advantage. His car was found by the police and was subsequently determined to be a total loss. However, Mr A says it took a long time for Advantage to settle his claim. He says he received no contact from the business for long periods. When it did contact him, he was asked to obtain information from the police that he thinks was Advantage's responsibility. This delayed progression of his claim.

In its complaint response dated 5 January 2023 Advantage says it can't offer a settlement payment until the claim is validated. It says it is awaiting information from the police.

Mr A referred his complaint to our service. In its submission to us Advantage says it needed a crime reference number. It also needed confirmation from the police that it had closed its theft investigation. In these circumstances it says applying for a police report can take several months and involves a fee. As all it needed was the reference and to know the file was closed, it says it asked Mr A to provide this confirmation.

Advantage says Mr A received an email from the police dated 24 November 2022 confirming the information it needed. But he didn't forward this on for its consideration until 27 December. At this point it says it finalised the remaining parts of its investigation with Mr A and settled his claim. Because of this Advantage doesn't think it's responsible for any delay.

Our investigator upheld Mr A's complaint. He says he'd asked Advantage to communicate with him by phone. Had this happened he says the validation process would've been completed quicker. He says the lack of a pro-active approach delayed the claim by around two months. Because of this our investigator says Advantage should pay Mr A £250 compensation and add 8% simple interest to his settlement payment.

Advantage didn't think this was fair. It says Mr A was aware of the information it needed but still delayed sending the email from the police for over a month. It says it wouldn't agree to pay £250 compensation but offered £100 for not contacting Mr A by phone as he had requested.

As an agreement couldn't be reached the complaint has been passed to me to decide. I issued a provisional decision in July 2023 explaining that I was intending to partially uphold Mr A's complaint. Here's what I said:

provisional findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

My intention is to uphold Mr A's complaint in part. Let me explain.

I've read Mr A's policy terms and conditions to understand what is expected in the event of a theft claim. Under the section on "How to make a claim" the terms say:

"Theft, loss or criminal damage

If your Car is stolen or damaged as a result of crime, or if items are stolen from your Car, report it to the police and get a crime reference number."

The terms also say:

"You must co-operate fully and in a way so as not to compromise the resolution of your claim. Examples may include providing information critical to the investigation and settlement of the claim, providing evidence and attending court."

And under the "General Conditions" heading the terms say:

"Give your Insurer all the information and help they ask for including any documentary evidence to back up your claim. All information you provide must be true and correct to the best of your knowledge."

I think the terms are clear that Mr A must assist Advantage in validating his claim.

The records show the claim was registered on 17 October 2022. On 24 October a note says Mr A's vehicle has been recovered and a review of the claim was required. On 31 October an email was sent to Mr A confirming his vehicle had been collected and an engineer will inspect the damage. Mr A then asked for named drivers to be removed from his policy at the beginning of November.

I can see an email was sent to Mr A on 23 November 2023 asking him to provide a crime reference number from the police, as well as confirming the status of its investigation. He responded by email on 28 November unhappy with the progress of his claim, asking for his car to be returned to him.

From the claim records Mr A's car was recorded as a category-N total loss on 1 December 2022. An email was sent to him the same day to confirm this and again request the crime reference number and status of the police investigation. Mr A responded. However, he didn't provide the information requested. In his email he refers to Advantage waiting for a police report and comments that it appears to think that "everyone is lying". Advantage responded by email to say it still needed the requested information to validate his claim.

The claim records show Mr A gave information showing he'd contacted the police. But that Advantage should request the information it needed directly. Advantage called the police on 7 December and followed this up with an email. It emailed Mr A the following day to explain that it didn't need a report from the police as this would cause a long delay. It said all it needed was for Mr A to provide an email, text message, or web chat with the police confirming the information it had requested.

I can see an internal note dated 13 December 2022 that says Mr A should've been contacted by phone. The note says an agent should contact him by phone to query the outstanding issues. This was to include discussion about Advantage's concerns with the location of Mr A's garage and evidence to show the damage caused when it was broken into. The records show a call was made to the number Mr A provided, but this couldn't

connect. An email was then sent asking Mr A to make contact.

Advantage sent further emails to Mr A asking for the information it had requested from the police. The records show Mr A then provided an email on 27 December 2022 that he'd received from the police on 24 November. I haven't seen the content of this email, but the records show this was sufficient to confirm what Advantage needed to know.

In early January 2023 an internal note states the claim can be settled once images of the garage have been received. This was required along with an explanation of its location. The notes say the garage Mr A's car was stolen from was an hour and a half walk from the risk address. Mr A provided an explanation why this was the case, which satisfied Advantage's agent. However, the photos he provided weren't of sufficient quality. It took several requests before satisfactory photos were provided for Advantage to complete its validation. A settlement payment was then provided in late January.

I've thought about Mr A's comments that the delays in progressing his claim are due to failings on Advantage's part.

As set out in Mr A's policy terms, when a claim is made it's necessary for Advantage to carry out validation steps to ensure cover is in place and to determine the costs. We expect it to handle claims effectively and to minimise any delays.

In this case as the claim was due to the theft of Mr A's car, Advantage needed to confirm the outcome of the police case. It also needed a record of the crime reference number. From the claim records the first time it requested this information was on 23 November 2022. It's not clear why this wasn't requested earlier. However, despite being in receipt of an email from the police dated 24 November – Mr A didn't send this information to Advantage for another month.

Additional information was also requested relating to Mr A's garage and other items he had asked to be included in his claim. Based on the claim records there were delays in Mr A providing this information as well.

There are references in the claim records to Mr A asking for Advantage to call him. This didn't happen until 13 December 2022 when an agent reviewed the claim notes. That said the number Mr A provided couldn't be contacted, which is also confirmed in the notes.

Having considered all of this I think Advantage should've attempted contact by phone with Mr A at an earlier stage. The records indicate he was confused by the claim process and would have benefitted from a discussion to explain what was needed. However, the email sent to him on 23 November 2022 was clear that Advantage needed a crime reference number and confirmation the police investigation was closed. Mr A received this confirmation the following day. I think it's reasonable to expect him to have forwarded this email to Advantage at this time.

I think Advantage is responsible for some of the delays experienced. In particular the time taken to first ask Mr A for the police information. As well as the lack of telephone contact which contributed to the delays. However, Mr A could've cooperated more fully and avoided some of the delays himself. I agree with our investigator that Advantage should acknowledge its part in this with a compensation payment. But I think £150 is fairer in these circumstances.

I said I was intending to uphold this complaint in part and Advantage should pay Mr A £150 compensation.

I asked both parties to send me any further comments and information they might want me to consider before I reached a final decision.

Advantage didn't respond with any further comments or information for me to consider.

Mr A responded to say he'd suffered a bereavement shortly before his car was stolen. He told Advantage this. But says he still experienced five months of it ignoring both him and the police. Mr A also says he was underpaid for his car when the claim was eventually settled. He says he had fully comprehensive insurance, but none of his contents lost in the theft have been paid for.

In his response Mr A says this is the worst case of discrimination in this day and age. He says he told Advantage he is slightly dyslexic. He says he was bullied by the business as a result of this, which meant it refused to talk to him or answer his emails. He says this has been the worst experience of his life.

In a later email to our service Mr A says he was paid £4,900 for his car when it would cost £12,000 to replace it. He has also provided a screenshot of an online car review.

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'm very sorry for the bereavement Mr A suffered. This must be a very upsetting time for him. I can understand why this claim has added to the upset he felt. But having considered his further comments and information, I'm satisfied that my provisional decision was fair based on all the evidence and circumstances of his complaint. This means I won't be changing the outcome I set out in my provisional decision.

I've thought about Mr A's comments regarding the time taken to progress his claim and the standard of communication from Advantage. In my provisional decision I said there was an unexplained delay in Advantage requesting a crime reference number as well as details of the police investigation. But there were also delays on Mr A's part in providing information, despite having this in his possession. It's fair that Advantage compensates Mr A for its delays – but I'm not persuaded to increase this based on his further comments.

I've thought carefully about Mr A's view that Advantage bullied him when he made it aware he was dyslexic. More specifically, that it refused to talk to him or answer his emails.

Advantage didn't contact Mr A by phone until around two months after his claim was registered. The records show that Advantage's agents highlighted the lack of phone contact and made a point of noting this. However, it did send him emails clearly confirming the information it needed to progress his claim. Mr A was in possession of this information for around a month before he forwarded it on. So, although I agree that earlier phone contact could've been made, Mr A had clear instructions telling him what information he needed to provide. In these circumstances I'm satisfied £150 compensation fairly acknowledges the shortfalls in Advantage's claim handling and communication.

I acknowledge Mr A's concerns about the settlement payment and the contents of his car not being covered in his claim. However, I can only consider the issues that have first been raised in Mr A's complaint to Advantage. I can't see that these points formed part of his complaint. Mr A can of course raise these issues with Advantage. If he remains dissatisfied with its response he has the right to refer the matter to our service.

My final decision

For the reasons I've given above and in my provisional decision, my final decision is that I uphold this complaint in part. Advantage Insurance Company Limited should:

- pay Mr A £150 compensation for the frustration and upset it caused him.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 20 September 2023.

Mike Waldron
Ombudsman