

The complaint

Miss L complains that Accredited Insurance (Europe) Ltd has unfairly declined a claim made on her buildings and contents insurance policy.

What happened

Miss L notified Accredited Insurance on 8 August 2023 that the overflow pipe from a water tank in her attic had been leaking and there was damage visible to the external wall. This also resulted in internal damage to the wall, ceiling, laminate flooring, and kitchen cupboards.

Accredited Insurance appointed a surveyor to attend Miss L's property and assess the damage and cause of this. The surveyor recommended that the claim be declined. The basis for this decision was due to concerns over the nature and extent of the damage. They felt it was indicated the water damage had occurred gradually overtime with visible saturation on the external and internal wall.

Miss L complained about the claim decision and brought her complaint to this Service. She also said she was appointing her own Loss Assessor to assist with the claim and demonstrate why the water damage had not happened gradually over a period of time.

Our investigator looked at this complaint and didn't think Accredited Insurance had acted unfairly when the claim was declined. She was satisfied that the policy excluded escape of water damage if this was the result of a gradual escape. Based on this, she didn't think she needed to ask Accredited Insurance to do anything else with the claim.

Miss L disagreed with our investigator. She questioned what length of time something needed to continue for to be classed as gradual. And that based on the weather in July, the month prior to the leak being noticed, there was no indication of the leak. And she felt she had provided photos to demonstrate the condition of the property at this time which showed there was no sign of the water ingress and damage. There was no mould present on the external wall and this was in fact moss which she said had washed down from the area above and the soil stack. And this supported that the damage was caused by a one-off escape of water claim.

Our investigator reviewed everything but her position remained the same. She wasn't satisfied that the photo's did demonstrate the condition of the property, just prior to the leak being identified. And the evidence she had from the surveyor report provided by Accredited Insurance meant she felt it was more likely than not that the leak had been ongoing for some time, although she did not clarify a specific amount of time as she couldn't be certain on this.

Miss L maintained that she felt the claim should be accepted as a one-off escape of water and asked that the complaint be referred for a 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've decided not to uphold this complaint for broadly the same reasons as our investigator. I appreciate this will be disappointing to Miss L, but I'll explain why I don't think Accredited Insurance has made an unfair claim decision.

Miss L's policy does provide cover for escape of water claims, but as our investigator set out, it excludes cover if the damage is the result of gradual damage. It isn't disputed that there was a leak from the overflow pipe as a result of an issue with the water tank, but it is whether this was leaking for a prolonged period of time with damage being caused gradually over this period that is in dispute.

I appreciate Miss L has provided a lot of detail about both how much she uses her garden, and why she feels a leak would have been spotted very quickly after it happened. And detail of the weather at the time as well as photos she says show the condition of the property soon before the claim was made. I've taken this all into account, but I am not persuaded this demonstrates the leak was not already occurring sooner, or that damage was not gradually occurring as a result.

The photo's provided indicate a large amount of water ingress with the saturation of the external brickwork as well as damage internally. It also shows moss formed in a downward pattern along the external wall. Miss L has said this is the result of moss being brought down from above with the roof of the adjoining pergola and soil stack from the side of the house. While I understand why she feels this is the cause of the moss at the lower level on the painted brickwork of her property, I am not persuaded this is the cause.

As well as providing photographs of the damage and her property prior to the escape of water, Miss L provided a video demonstrating the extent of the leak. This showed the water to be flowing at a fairly considerable rate but also showed the moss in place on the wall at the time of this flowing.

The moss can be seen to be both running vertically down the wall but also across different points, horizontally across the mortar lines of the brickwork. It doesn't appear to be loose moss washed on at that time but appears more set indicating it had been in place for some time. So I don't think it can be said this was caused as a recent or one-off event when the leak was filmed and damage had been gradually occurring prior to this with the saturation of the brickwork.

Miss L has provided photos which show her property pre the damage. But although she's said these are from July, they are not date stamped and because of this, I have not been able to rely on these.

Miss L has said she spends a great deal of time in her garden and would have noticed a leak if this was dipping sooner as this would have made a noise on the roof of the pergola. But she has also highlighted how wet the previous month was and that a dripping noise had been noted towards the end of July.

Accredited Insurance's surveyor has not said how long they believed the overflow pipe was leaking for but it is apparent from what Miss L has said that it was potentially leaking from the end of July when it was first noted there might be an issue. The level of water ingress internally supports it was likely happening for some time, indicating water had been coming in resulting in the gradual damage.

Miss L has said she's appointed her own loss assessor to support with her claim and she will be providing additional information to Accredited Insurance from them. But to date and the

information we've been provided, I don't believe this has been sent. If this is sent Accredited Insurance has said it will consider the information. But as it stands, I've not seen anything to demonstrate they've acted unfairly when considering the claim and the information available.

I understand this situation has had an impact on Miss L and her partner is recovering from ill health which is not helped by the situation. I'm sorry to see this is the case and hope they make a full recovery. But as I don't think Accredited Insurance has acted unfairly with how it has assessed the claim, I see no reason to ask it to do anything else now.

My final decision

For the reasons I've explained above, I don't uphold Miss L's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss L to accept or reject my decision before 25 July 2024.

Thomas Brissenden
Ombudsman