

The complaint

Ms H complains about how Action 365 Ltd trading as Pukka Services (Action 365) dealt with a claim on her motor insurance.

What happened

Ms H had motor insurance underwritten by Action 365. Her car was stolen and she made a claim on her policy. Action 365 asked Ms H for some information to help make a decision on the claim. Ms H says she sent the information requested but Action 365 said she hadn't.

Ms H wasn't happy with the delay in dealing with her claim and complained to Action 365. Action 365 said:

"...the claim was logged via a telephone call, during this call the handler asked certain questions so as to fill in the correct information on the system — one of those questions was "how many keys does the vehicle have?" your response was "2", this is important as in all cases of this nature validation checks need to be carried out, if there was a confirmation that there were two keys at the initial first notification of loss call, then unfortunately, if subsequent conversations do not support this, or in fact state the complete opposite, then the validation checks that are necessary to complete the validation process and to progress the claim cannot go ahead.

Similarly, there seems to be an issue with the driving licence, again, due to the necessary checks that need to be carried out to validate the claim, unless either a valid driving licence can be produced, or a driving licence summary, in its entirety, then again, the claim cannot be validated or progressed.

I can see from the file that you have sent in some documentation, but as per the continued requests, this is not sufficient or acceptable for the claim to be validated.

I do note that there have been numerous occasions when you have been on hold for a long time, and where emails have not been responded to in a timely manner.

As it stands as of today's date there is unfortunately still some necessary documentation and information outstanding, and whilst I appreciate that you have sent in what you understand to be suitable, the file handlers are unable to accept anything other than the requested information as per outlined in the emails.

...The previous keepers details are needed to ascertain whether when you purchased the vehicle there were two keys or just one, the reason for this is if the claim were to be paid out and there is a missing key there is potential for this missing key to be used in the future, if there were ever only one key to the vehicle that is fine, but in order to pass validation we need this confirming from the previous keeper due to the fact that you clearly advised at the initial start of the claim that you had two keys.

The driving licence needs to be validated, firstly to ensure that you were able to legally drive the vehicle on the road, if there were any driving bans or discrepancies then your insurance

may be invalid, and as a result the claim may be repudiated, so we do need the driving licence to progress the claim forward.

We need to understand your occupation, this is to ensure, again that the policy information is correct, and once this is validated, again we can look to progress your claim.

I can see from the file notes that requests for this information have been made previously, and although you have sent some information through, this unfortunately has not been sufficient to validate the claim.

I would implore you to obtain the requested information and forward to the claims department via email, once all the correct information has been received the claims handlers can look to validate the claim and raise payment to you.”

Action 365 apologised for the customer service shortcomings and delays and offered Ms H £75 as compensation.

Ms H wasn't happy with Action 365's response and complained to this service. Our investigator didn't uphold her complaint. She said Action 365 had acted fairly and in accordance with Ms H's policy terms in asking for information and documents needed to validate the claim, and although Ms H had sent multiple documents in, she had seen no evidence of it being the requested documents required to validate the claim.

Ms H wasn't happy with what our investigator said so her complaint has been passed to me. Ms H wants the claim dealt with.

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.

It's very important to say at the beginning that I can't look at anything that happened with Ms H's claim after 5 July 2023, the date of Action 365's response letter to Ms H about her complaint. This is because this service can only look at a complaint after the business concerned has had the opportunity to consider it and make its final response. I understand that Ms H is unhappy about things that have happened since 5 July 2023, and it is open to her to make a further complaint to Action 365 about this.

Ms H's insurance policy documents with Action 365 said:

“In order to ensure we deal with your claim efficiently, you will need to provide us with as much information as possible. You and any person covered by this motor policy must fully cooperate with us and give us all the information and documentation we need...”

And:

“... We will only provide the cover described in this insurance policy if:

...you provide us with co-operation and assistance throughout the duration of this policy, for example if we request information or documentation from you when you purchase cover, make changes, submit a claim or, where applicable, renew your insurance with us...”

These are standard terms in insurance policies and ones which this service generally finds to be fair and reasonable. And I consider that it was fair and reasonable in the circumstances of the claim for Action 365 to ask Ms H for the information that it did.

I can see from the information provided by Action 365 and Ms H that when Ms H first made the claim she said the car had two keys. Action 365 asked her to send these to it but Ms H was only able to find one key. She told Action 365 that she contacted the seller of the car and they told her there had been only one key when she bought the car. Action 365 asked Ms H for the seller's contact details so this could be checked, but Ms H said she didn't have these. Knowing the whereabouts of all the keys to a car is particularly important when the car has been stolen, as it is, for example, relevant to the claim if there is a possibility that the keys might have been used to take the car.

It is also important that the policyholder provides a copy of their driving licence when making a claim to ensure that the policyholder can legally drive and any relevant driving offences have been declared to the insurer. Ms H said she didn't have her licence to hand when she first made the claim. She says she was advised to obtain a verification form and send that to Action 365. However Action 365 said that the information provided as at 5 July 2023 wasn't enough to verify Ms H's licence.

Action 365 also asked Ms H to clarify the position re her employment as she had provided some contradictory information about her work and what she used the car for.

I can see that Ms H did send Action 365 some of the information it asked for, but I've seen no evidence that she had provided the outstanding information Action 365 set out in its final response letter of 5 July 2023 by the date of that letter. And as I've explained, if Ms H sent in any of this information after 5 July 2023 I can't look at this as part of this complaint.

I can see that there were some avoidable delays in Action 365 progressing things, but it has offered her £75 compensation which I think is fair and in line with what this service would suggest. So overall I think that Action 365 dealt with Ms H in a fair and reasonable way in the period I'm looking at, which is from the date she made the claim to 5 July 2023, the date of the complaint response letter.

My final decision

For the reasons above I don't uphold Ms H's complaint. So I won't be asking Action 365 Ltd trading as Pukka Services to do anything.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms H to accept or reject my decision before 8 October 2024.

Sarah Baalham
Ombudsman