

The complaint

Mr J has complained about the way that AXA Insurance UK Plc repaired his roof after he made a claim under his home insurance policy and about the service he received.

References to AXA in this decision include its agents and contractors.

What happened

In November 2021 Mr J made a claim to AXA after his roof was damaged when a neighbour removed a chimney and the internal chimney breast. Some slates had been removed from his roof and replaced with a polythene bag held in place with wooden struts.

AXA accepted the claim and repairs were carried out in February 2022.

Mr J brought a previous complaint to this service about the quality of the repairs. Our Investigator recommended that AXA should arrange an independent inspection of the roof and if the repairs weren't found to be effective and lasting, AXA should either redo the repairs to an acceptable standard or offer Mr J a cash settlement. Both parties accepted our Investigator's view.

The surveyor carrying out the independent inspection thought AXA's repairs hadn't been carried out to an acceptable standard. He recommended further repairs which AXA thought would cost over £400. In August 2022 Mr J obtained a quote from a roofer who said the repairs would cost £1,200. AXA paid Mr J that amount in December 2023.

Mr J told AXA that he could no longer have the work done for £1,200. Initially AXA suggested Mr J obtain another quote. He wanted to return the £1,200 and for AXA to carry out the works. Mr J also said that his neighbour had removed some bricks from the party wall in the roof at the same time as the chimney stack was taken down. He felt repairing this should also form part of his claim.

AXA appointed a loss adjuster to progress matters. Mr J complained to AXA that the loss adjuster didn't have the right ladder to access the roof space on his first visit. So he had to reattend a few days later to carry out the survey.

The loss adjuster thought the roof was in fact satisfactory. In the light of that AXA said it wouldn't pay for any additional work to the roof but it wouldn't require Mr J to repay the £1,200. AXA's loss adjuster thought the party wall was typical of how the house would have been originally built and said it wasn't AXA's responsibility to bring it up to modern building standards.

AXA accepted that its service should have been better and paid a total of £350 compensation to Mr J.

Mr J was also unhappy about the claim reserve. AXA said he was welcome to contact its customer service department to update them with the final claim cost. It could then consider whether the premium should be amended.

Mr J provided AXA with photos showing that the party wall in the roof space of neighbouring properties in the same terrace as his house had been built with bricks right up to the roof. AXA said it would forward those photos for its loss adjuster to consider.

Mr J brought a complaint to this service. I issued a provisional decision explaining why I was minded to uphold the complaint in part. An extract from my provisional findings is set out below:

“In this decision I’m looking at how AXA has treated Mr J since 7 August 2023 as events prior to that date have been the subject of earlier complaints to this service.

As both parties accepted our Investigator’s previous view that AXA should be liable if an independent inspection concluded that the roof hadn’t been repaired to an acceptable standard, it is disappointing that AXA now seems not to accept the findings of the independent surveyor.

Where the parties disagree about the repairs required, we have to be guided by the expert evidence. The loss adjuster has commented briefly that the roof was “satisfactory”. He doesn’t appear to have mentioned the slates. In a more detailed report the independent surveyor said:

“The top course slates have not been laid to the correct bond and are not providing the correct overlap. There is a missing slate to the left side of the repairs and this area has been patched with mortar. The mortar is clearly the same batch that has been used to repoint the ridge tiles. To ensure a lasting repair the ridge tiles need to be removed, new slates cut and installed to provide a proper side-lap and the ridge tiles replaced and repointed.”

The photos of the roof in his report seem to me to support his findings. I find the independent surveyor’s report more persuasive than the loss adjuster’s assessment.

One of the things Mr J is most unhappy about is the uneven line of the roof ridge. I think if the remedial works were done properly as suggested by the independent surveyor, the roof line might well end up looking better, although I accept that there might still be some undulation because of the removal of the chimney.

As AXA was aware, Mr J is a vulnerable consumer and during this claim has had major surgery. I don’t think it should have left Mr J in the position of organising the rectification works. It entered into a contract with Mr J for the repair of his roof and it appears that it did not carry out those repairs to an acceptable standard. To my mind it is not fair for AXA to leave Mr J to sort out this problem because the problem would never have arisen if it had repaired the roof properly in the first place. I am minded to say that provided Mr J refunds the £1,200 to AXA, it should take on responsibility for organising the repairs which the independent surveyor recommended.

Mr J would also like AXA to repair the party wall in the roof space which he says has between 10 to 15 bricks missing. This doesn’t comply with modern building regulations which is naturally a concern for Mr J. He has provided photos of his neighbours’ party walls which have no such gaps. AXA’s loss adjuster thinks his property was built like this and the removal of his neighbour’s chimney breast has now revealed the gaps whereas previously they would have been concealed.

I don’t think the fact that other neighbouring properties have a complete party wall proves that Mr J’s neighbour caused any gaps in his brickwork when removing the chimney breast.

In the absence of any persuasive evidence that the gaps are recent accidental damage, I don't think it would be fair to require AXA to repair this.

It's fair to say that AXA's service should have been better during the period in question. But to its credit AXA has recognised that. It has paid a total of £350 in compensation for its poor service. I believe its offer was fair for a situation where the impact of a business's mistake has caused considerable upset and worry. It's in the region of what I would have made AXA pay if the offer had not been made. So I don't consider there are any grounds for me to require it to pay any more compensation.

So far as the claim reserve is concerned, I don't think Mr J should be penalised in future with higher insurance premiums because of poor workmanship by AXA's contractor having to be redone and increasing the overall claim cost. In order to treat him fairly AXA should make it clear on any internal and external databases that any costs beyond those relating to the original roof repair are not claim-related."

In response Mr J said he'd only repay the £1,200 to AXA once his roof had been removed and the party wall built up to the correct height and shape. Then the roof beams should be reattached, and the roof tiles fitted or refitted. He would then like the work to be checked by a building inspector so that he knew his house was fire-proof. Subject to that he would be happy to repay the £1,200. He also said his builders had pointed out that there was evidence of recent work having been done to the party wall.

AXA accepted my provisional 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.

In this decision I'm only looking at how AXA dealt with Mr J's claim from 7 August 2023 up to 21 March 2024 being the date when it issued a final response to Mr J's most recent complaint. At that time AXA said it was sending to its loss adjuster Mr J's photos showing the difference between his party wall in the loft space and his neighbours' party walls in the same terrace. It appears from his report that the independent surveyor didn't inspect this part of Mr J's property. Unfortunately for Mr J this service has since been told that the photos didn't change the loss adjuster's view that the party wall hadn't suffered accidental damage but was as originally built. If Mr J's not happy with this response, he may wish to make another complaint.

I appreciate that Mr J doesn't want his roof to be repaired until the party wall issue has been resolved to his satisfaction. But neither party has said anything to change my opinion that provided Mr J refunds the £1,200 to AXA, it should take on responsibility for organising the repairs which the independent surveyor recommended.

As neither party objected to my provisional findings about the claim costs, I see no reason to change them and they now form part of this final decision.

My final decision

For the reasons set out above, I uphold this complaint and require AXA Insurance UK Plc to:

- take on responsibility for organising the repairs to the roof which the independent surveyor recommended subject to Mr J refunding the sum of £1,200 to it; and

- make it clear on any internal and external databases that any costs beyond those relating to the original roof repair are not claim-related.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 19 November 2024.

Elizabeth Grant
Ombudsman