

The complaint

Mrs D and Mr D complain that AXA Insurance UK Plc have delayed in settling their claim.

What happened

Mrs D and Mr D held a buildings and contents insurance policy with AXA, and they made a claim under the policy in June 2019 following an ingress of water that damaged their property.

Mrs D and Mr D were unhappy with AXA's handling of the claim and so they brought their complaint to us. In February 2024 an ombudsman issued a decision on the complaint, directing that AXA should pay for a new contractor of Mrs D and Mr D's choice to attend the property and put together a fully costed quote for rectifying all the claim related damage. Mrs D and Mr D could then choose whether to take a cash settlement based on that quote, or have AXA pay that contractor to complete the work.

The ombudsman also recommended that some furniture costs were reimbursed, and £2000 was paid for the distress and inconvenience caused. This outcome was accepted by both AXA and Mrs D and Mr D.

However, Mrs D and Mr D say that following this decision, AXA haven't complied with the decision, and have been responsible for further delays, and so they made a further complaint to AXA about this.

In August AXA upheld the complaint, paid £525 compensation for these further delays and agreed to settle the claim as soon as possible.

Mrs D and Mr D weren't happy with this and brought their complaint back to us. Our investigator looked into it and he thought that the offer was fair, but Mrs D and Mr D didn't agree and so the case has come to me to 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 appreciate that this claim has been ongoing for several years, and its failure to resolve has been a source of great distress to Mrs D and Mr D.

Unfortunately, I know they will be further disappointed that in my decision I'm not able to bring matters any closer to resolution for them because of the restrictions on what I can look at.

Firstly, I can't consider anything that happened before February 2024 as this has already been subject to a review by an ombudsman. I can only consider AXA's actions since the decision of my colleague in February and up to AXA's final response letter in August 2024.

Secondly, I don't have the power to consider whether AXA have properly complied with the previous ombudsman's decision, which I understand is one of Mrs D and Mr D's main complaints. Only the court can decide if a decision isn't being complied with and issue enforcement action, and so Mrs D and Mr D would need to seek legal advice if they are unhappy with the way in which AXA are interpreting and complying with the decision.

I can, however, look at the delays that have further occurred in the resolution of the claim, and the clarity of the communication provided in that period. Having done so, I'm satisfied that AXA's offer of £525 for the further distress and inconvenience caused is fair.

The directions given by the ombudsman in February did involve some further work being undertaken before a settlement was determined, and that would always have taken some time. However, I can see that since having the new scope prepared, AXA haven't moved things along as quickly as they should have between February and August 2024, haven't always provided prompt responses to Mrs D and Mr D, and some of the communication hasn't been very clear as to next steps – which has been frustrating for them. So on that basis an award of £525 is fair.

I can say however, that following an ombudsman's decision, I would expect AXA to be doing all that they can to conclude matters and properly follow the directions made by the ombudsman, and it is disappointing to see that this is not the case – and I hope that having a further decision now will focus their efforts on providing Mrs D and Mr D with an up to date and clear direction for resolving this claim.

My final decision

My final decision is that I'm not upholding Mrs D and Mr D's complaint against AXA Insurance UK Plc and so they don't need to do anything further.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D and Mr D to accept or reject my decision before 3 February 2025.

Joanne Ward
Ombudsman