

The complaint

Mr G complains about delays in Aviva Insurance Limited (Aviva) dealing with a claim under his motor insurance policy for damage to his vehicle following an accident.

References to Aviva in this decision include their agents.

This decision covers Mr G's complaint to this Service in October 2024, following Aviva's final response in September 2024 to a complaint he made to them earlier that month. Mr G made a previous complaint to Aviva and subsequently to this Service, which was the subject of a view from this Service in August 2024, which awarded £300 compensation to Mr G for delays in Aviva's handling of his claim. This decision doesn't cover that complaint or events before that earlier view from this Service.

What happened

The events leading up Mr G's first complaint, Aviva's initial final response and our Service's consideration of Mr G's complaint are known to both Mr G and Aviva, so I won't repeat them here. The previous complaint outcome covered the period to July 2024, so this decision takes this as the starting point for this complaint.

Following Mr G's previous complaint and the outcome. Mr G said he'd accepted the settlement on the understanding Aviva were about to resolve his claim and closed. He'd also expected an apology from Aviva and explanation about what went wrong with the handling of his claim. But this hadn't happened, and the claim was no further progressed. He'd contacted Aviva and in September 2024 told the third party insurers would process payment for the claim costs in ten days.

Having complained to Aviva (their CEO) Aviva issued a final response towards the end of September 2024. They apologised for Mr G having to raise a further complaint and acknowledged the further delays, saying this was due to the third party disputing the damage. Aviva were assured by the third-party insurers they would be acting on the claim.

Mr G then complained to this Service, saying he hadn't had the expected apology and explanation from Aviva and the claim was no further forward. He'd had to spend more time chasing Aviva for an update. He wanted an apology from Aviva for the poor service he'd received, the claim to be closed and confirmation of the closure. He also wanted compensation for the continued delays in resolving matters.

Our investigator didn't uphold Mr G's complaint. Mr G had accepted a 50:50 split of liability in February 2024, though this required acceptance from the third party. However they disputed the damage, leading to a delay in payment. Aviva spoke to the third party insurer in September 2024 and were told they would process the payment within ten days. The delay in Mr G's claim being closed being due to the third party insurer, the investigator couldn't hold Aviva responsible for the delay in progressing and settling the claim. While Mr G was unhappy with the lack of updates from Aviva, there was little for Aviva to update about, though they did update him on the third party insurer saying they would make payment in September 2024. So, the investigator wouldn't be asking Aviva to do anything further.

Mr G disagreed with the investigator's view and asked that an ombudsman consider the complaint. He disputed the accuracy of what the investigator had said, including his acceptance of 50:50 liability (he said it was October 2023, not February 2024). Mr W also said there was further information, saying Aviva told him in December 2024 they had instructed solicitors to reclaim the outstanding 50% of costs. Mr G also disagreed the delays were unavoidable and not the responsibility of Aviva.

When accepting the £300 compensation in respect of his previous complaint, this was on the understanding the claim would be closed within a fortnight. And he had still not been asked for evidence he had said he had about the incident, which would have meant his claim being resolved much earlier. He'd also accepted the £300 compensation on the understanding he would receive a written response from Aviva and an apology. When he didn't receive a written response he'd complained to the Aviva CEO and Aviva's final response hadn't addressed all the issues he'd raised. And Aviva hadn't apologised for the continuing delays in closing his claim.

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.

My role here is to decide whether Aviva have acted fairly towards Mr G. As set out above, this decision doesn't cover events in Mr G's first complaint to Aviva (and this Service) but the period from July 2024 through to Aviva's final response in September 2024.

The key issue in Mr G's complaint is the continued delays from the outcome of his previous complaint through to Aviva's final response in September 2024. He says he hasn't received the apology he was led to expect following the earlier complaint or an explanation of what had gone wrong in Aviva's handling of the claim. Aviva say the continuing delay was due to the third-party insurer disputing the damage.

On the first issue, the continuing delays to the progress of the claim, from Aviva's claim notes I can see they paid the £300 compensation in mid-August 2024 and emailed Mr G in mid-August 2024 to say they were in contact with the third party insurer but didn't have control over their response and timeliness of response. Aviva chased the third-party insurer towards the end of August 2024. Their claim notes record a voicemail left with Mr G in mid-September advising the third-party insurers were disputing the damage incurred in the incident, following comments from the third party, but that they would be processing payment within ten days.

Looking at Aviva's actions, I think they did seek to progress matters with the claim through the third party insurers and told Mr G (voicemail and email) about what was happening. However, from what I've seen (including further correspondence from Aviva that Mr G has provided dated October 2024 and December 2024, the claim is yet to be resolved as the third party insurer hasn't made the payment to Aviva it indicated it would in September 2024. And solicitors have been instructed to pursue recovery. However, these more recent developments fall after Aviva's final response in September 2024 and so don't fall within the scope of this decision. I can understand Mr G's frustration at the continuing delays in finalising the claim (although it appears liability was accepted on a 50:50 basis and I can see Mr G first agreed this, as he has said, in October 2023).

But the delays are due to the lack of response and further challenge from the third party and the third party insurers, which isn't something I can hold Aviva responsible for. This also explains why the claim remains unresolved and not closed.

Mr G says Aviva haven't apologised for the continuing delays in settling the claim (and as part of the settlement of the earlier complaint). Looking back at the earlier complaint, the offer of £300 compensation from Aviva was made as a pro-active offer to settle that complaint and as an apology for delays in progressing the claim to a settlement. So, Avia have already apologised to Mr G and as the further delays set out above are due to the actions of the third party and their insurer, I can't reasonably ask Aviva to apologise for them.

Taking all these into account, I can't conclude Aviva have acted unfairly or unreasonably, so I won't be asking them to take any further action on this complaint.

My final decision

For the reasons set out above, it's my final decision not to uphold Mr G's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 21 March 2025.

Paul King
Ombudsman