

The complaint

Mr A complains about the handling by Accelerant Insurance Europe SA/NV UK Branch of a claim on his commercial motor insurance policy. Mr A is unhappy the claim has remained open for a number of months.

What happened

Both parties are aware of the circumstances of this complaint. So, the following is intended only as a brief summary. Additionally, for the sake of simplicity, I have just referred to Accelerant, even where its agents have acted on its behalf. Ultimately, Accelerant is responsible for the actions of its agents in relation to this complaint.

Mr A operates as a taxi driver, and had an industry specific commercial motor insurance policy underwritten by Accelerant. In late 2023, Mr A was involved in an incident with a third party – who I'll refer to as T. T raised a claim against Mr A for personal injury in April 2024. Accelerant obtained details of the event from Mr A, and then proceeded to defend Mr A from the claim.

After some initial correspondence, very little was received from T or their solicitor for some months. And Mr A became unhappy that the claim remained open – particularly as his policy was due for renewal and he was concerned about the impact the open claim would have on the renewal price.

Ultimately, Mr A complained that the claim remained open and had not been resolved. This complaint was raised in November 2024, around 6 months after the claim had been received from T. However, Accelerant explained that there had been correspondence from T's solicitor in August 2024 and it seemed there was still an intention by T to pursue the claim. So, given the reasonably recent correspondence and the intention for the claim to be pursued, Accelerant said that it was not possible to close the claim. I understand that in November 2024, further correspondence was received from T's solicitor and the claim does appear to be ongoing.

Mr A brought his complaint about this to the Financial Ombudsman Service. However, our Investigator did not consider that Accelerant had acted inappropriately. And that it had progressed matters as best it could, especially given much of the situation was in the hands of T and their solicitor.

Mr A remained unhappy, and his complaint has been referred to me 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.

Having done so, I am not upholding this complaint. I'll explain why.

I can appreciate that Mr A is unhappy that there is a claim against him that has remained

open for some time. This must be especially frustrating given that Mr A considers the claim to be fraudulent and/or vindictive.

However, it should be pointed out that Accelerant seems to agree with Mr A's position in terms of the outcome of the claim. It does not consider, at least based on the information it has been provided with to date, that T has a valid claim against Mr A. And so, Accelerant is acting to defend him from this third-party claim.

Unfortunately, the claim process requires T to either drop the claim or pursue it to its conclusion (likely either a settlement or through court action) before the claim can be resolved. There are legal rules and guidelines over how such claims progress. But I have seen nothing to indicate these have been exceeded.

Accelerant has acted to request T's solicitor provide the necessary information for the claim to progress. But Accelerant are reliant on this third party to move matters along. It is the third party's claim and so the third party has a certain level of control (at least at this stage) of how quickly things progress.

Were the situation different, and there was no ongoing contact from T or their solicitors, I would likely conclude that Accelerant needs to close the claim. It is not appropriate to have a claim open against a policyholder such as Mr A – particularly in a situation where they may not have done anything wrong or have any liability. However, where there is continued contact from the third party and they are actively pursuing the claim – albeit not as quickly as would be hoped – it is appropriate that the claim remains open. It is open as it is ongoing.

As I say, I do appreciate Mr A's frustrations. But I am not able to fairly and reasonably conclude that Accelerant has acted inappropriately in how it has dealt with the claim so far. And, given there is an ongoing claim that is actively being pursued, I am unable to direct Accelerant to close this claim at this point.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 18 April 2025.

Sam Thomas
Ombudsman