

The complaint

Mr H complains that U K Insurance Limited has added unreasonable delays to his claim with its handling of the matter and this has added to the distress and inconvenience caused.

What happened

Mr H raised a claim for subsidence with UKI in August 2022 and the claim has been ongoing since this time.

There has been a number of issues with the progression of the claim and Mr H has raised his concerns and complained to UKI at each point. This complaint was addressed by UKI in its final response issued on 22 February 2024 and concerns a delay in UKI's appointed solicitors and loss assessors and their actions when progressing an application to overturn a Tree Preservation Order (TPO).

UKI accepted this wasn't progressed as quickly as it could have been, with all the information needed by its solicitor being with them from 20 September 2023 and the application not being submitted until 4 January 2024. To apologies for the delay added to the claim journey, it made a payment of £100.

Our investigator looked at this complaint and didn't think UKI needed to do anything else. Overall, they felt the award made was fair and in line with this Services approach to awards for distress and inconvenience.

Mr H disagreed with the outcome provided, He highlighted that he continued to experience issues with UKI and its claim handling. He had made a new complaint to UKI since this complaint had been brought and it paid a further £100 for delays added again. He felt £100 was not in line with this Services published guidance on awards and it was unfair for UKI to only be expected to pay small awards for repeated multiple errors.

Our investigator maintained that they didn't think UKI needed to do anything else and they explained that the new complaint Mr H had raised will need to be set up as a new complaint with us. As a result, the complaint was referred for decision.

I issued a provisional decision on this complaint on 10 March 2025 and explained I was planning on upholding the complaint. I didn't think the award made by UKI reflected the additional distress caused with the delays added by its solicitor. And it was right this was increased to £300 to reflect the impact. And although a small error, the cumulative nature of this mistake following others, meant the award should be increased.

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.

Both Mr H and UKI accepted my provisional decision, so I see no reason to depart from what I said previously and my final decision is as follows:

It is not disputed that UKI's appointed solicitor added a delay to the progress of the claim when it delayed making the TPO application. It is what UKI has done to put things right and whether this is fair, that remains in dispute.

I am upholding this complaint and will explain what UKI need to do with its award to put things right. I appreciate it might be disappointed by this, but I don't think what it has paid already, is in line with this Services approach.

Mr H has said the delay in this claim being sorted is impacting his mental health with frustration added to the claim journey when needing to manage elements of the insurers agents who don't appear to be doing what they should be. And on a practical level, the longer this takes to be resolved, the longer he is unable to make planned improvements to his home and garden.

The error made by UKI's solicitor, although minor, did have the impact of adding a three-month delay to the claim journey. And although it is apparent its loss assessor was chasing for the claim to be progressed, there was inaction which caused this delay.

Claims of this nature can take many years to be concluded and the frustration that comes with this is what would be expected. But when delays are built in along the way, the frustration and distress increases and goes beyond what it would be reasonable to expect.

Here a previous complaint about the progress of the claim and the solicitors' actions appears to have had little impact on future actions. This previous complaint is not what I've considered, but it is useful context when setting a picture as to why, continued 'minor mistakes', could reasonably be said to have a greater impact than a one-off small error. And this has resulted in increased delays and frustration to Mr H.

With this in mind, I don't think an award of £100 is fair and reasonable. I think to reflect the additional impact of small mistakes having a causal effect on the overall level of frustration and progress of the claim, UKI should pay an additional £200, bringing the total award to £300.

I appreciate Mr H may still feel this is not enough due to the time added with the delay. But I don't think it would be fair to go beyond this. I've not seen anything to show that beyond the frustration with the increased delay that Mr H has been impacted more significantly. And while I acknowledge the impact Mr H says this has had on his mental health, it is difficult to differentiate between the general stress and impact of a claim of this nature and the addition added by the delay here.

Overall, I am satisfied an increase to £300 in total is a fair outcome for the impact of this error and I'll be asking UKI to pay an additional £200.

Putting things right

UKI needs to pay £300 to Mr H to recognise the distress and inconvenience added with the delays caused by its solicitor in progressing the TPO appeal.

If it has already paid the £100 previously mentioned in its final response, it will need to pay the additional £200 only.

My final decision

For the reasons I've explained above, I uphold Mr H's complaint.

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

Thomas Brissenden
Ombudsman