

## **The complaint**

Mr J complains about 4<sup>th</sup> Dimension Innovation Limited (“FDIL”) and the advice they provided on his first notification of loss (“FNOL”) call following a road traffic accident.

Mr J has been represented during the claim and complaint process by his mother, Ms J. For ease of reference, I will refer to any actions taken, or comments made, by Ms J as if they were made by Mr J throughout the decision, where appropriate.

## **What happened**

The claim and complaint circumstances are well known to both parties. So, I don’t intend to list them chronologically in detail. But to summarise, Mr J held a motor insurance policy which was arranged by a broker, who I’ll refer to as “S”. The policy itself was underwritten by a separate insurer, who I’ll refer to as “A”. FDIL handled the FNOL calls on behalf of S, under their regulation as a claims management company.

On this call, FDIL explained they could make referral to a solicitor for the personal injury aspect of Mr J’s claim. When making this referral, they would have been acting as a claims management company, carrying out a regulated claims management activity.

Mr J has complained that on this call, FDIL misled Ms J into believing his personal injury claim would be successful. But this hasn’t been the case and Mr J set out why he felt FDIL should be liable for the costs of a successful personal injury claim because of this.

FDIL responded to the complaint and didn’t uphold it. They explained they had listened to the call, and they were satisfied the information provided to Ms J was correct and not misleading. So, they didn’t think they needed to do anything more. Mr J remained unhappy with this response, so he referred his complaint to us.

Our investigator looked into the complaint and didn’t uphold it. They were satisfied the advice provided by FDIL on the call was correct, explaining FDIL were only responsible for the referral and that any claim decision made regarding the personal injury aspect would be the responsibility of the company, or solicitor, who made this. So, they didn’t think FDIL needed to do anything more.

Mr J didn’t agree. He explained his belief that a referral hadn’t been made, and this was why he felt FDIL remained liable. Our investigator explained this wasn’t the complaint that had been raised to FDIL, or our service. But they did note Mr J received a decision regarding his personal injury claim from an unidentified third party and its potential after the call made to FDIL. Mr J remained unhappy with this response and so, the complaint has been passed 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'm not upholding the complaint for broadly the same reasons as the investigator. I've focused my comments on what I think is relevant. If I haven't commented on any specific point, it's because I don't believe it's affected what I think is the right outcome.

First, I want to recognise the impact this complaint has had on Mr J. I recognise Mr J was involved in a road traffic accident that caused serious injury to him. And, how the treatment of these injuries created a significant emotional and financial burden on both him and Ms J. So, I can understand why Mr J would wish to seek a personal injury claim and how impactful it would have been to discover this wasn't possible, when FDIL explained a referral for this aspect of the claim would be made.

But I must be clear on what I'm able to consider within this decision, and what FDIL are responsible for. I note in response to our view, Ms J explained that her complaint was that FDIL hadn't made a referral regarding the personal injury claim at all. But crucially, this wasn't the complaint raised to FDIL, or our service, initially.

From the evidence I've seen, I'm satisfied Mr J's complaint was that FDIL had led Ms J, and so himself, to believe that a personal injury claim would be successful. And, that this information was incorrect and misleading. This is the complaint FDIL responded to and so, this is the issue I will consider within this decision.

Should Mr J wish to complain about his belief that FDIL didn't make the referral at all, this would be a new issue that would first need to be raised with FDIL directly, allowing them up to eight weeks to issue a response within their own complaint process. Our service doesn't have the jurisdiction to consider this issue until these steps have been taken, in line with the industry regulators rules and regulations.

And when considering the issue I can consider, I must make it clear I'm only able to consider the advice and information FDIL provided on the call. This is because they were only regulated to take this call and make a personal injury referral to another company or solicitor. It wouldn't be the responsibility of FDIL to make a decision on the prospects of success of the claim – that would instead be for the company FDIL referred the claim to.

So, when deciding what I am able to consider, namely the advice FDIL provided on the FNOL call, I've listened to the recording of the conversation, which I note has also been sent to Mr J.

Having done so, I'm satisfied FDIL acted fairly, providing information that I'm satisfied was clear, and correct. Specifically, on two separate occasions I'm satisfied FDIL's agent makes it clear a referral would be made to a solicitor for the solicitor to consider whether they could help with a personal injury claim. They also make it clear a referral would be made back to Mr J's insurer to handle the claim for his motorbike, which from the information provided I'm satisfied was completed as they set out.

So, I'm unable to say FDIL acted unfairly, or provided misleading advice on this call. And even if I was to find differently, I must make it clear that our service wouldn't have directed FDIL to cover the costs of a potentially successful personal injury claim, which I note is the intended outcome Mr J was hoping for, as there hasn't been one here meaning any costs would be speculative and not something we have the power to calculate or direct.

So, because of this, I won't be asking FDIL to do anything more.

I understand this isn't the outcome Mr J was hoping for. And I don't intend this decision to detract or take away from his lived experience which I've no doubt would have been

traumatic and difficult to navigate. But as I've set out above, I'm unable to say FDIL have acted unfairly here.

If Mr J does wish for his complaint about no referral being made to be considered, he will need to contact FDIL to raise this complaint first, before our service can consider further.

### **My final decision**

For the reasons outlined above, I don't uphold Mr J's complaint about 4th Dimension Innovation Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 24 July 2025.

Josh Haskey  
**Ombudsman**