

## **complaint**

Mr P complains AXA Insurance UK Plc unfairly declined part of his home insurance claim. He's also unhappy about how the claim was handled and says the delays impacted his family.

## **background**

Mr P made a claim on his home insurance policy for accidental damage, after spilling paint in his bedroom. The following items were cash settled:

- bedroom carpet
- bed and mattress
- bedding and linen
- tracksuit bottoms
- a dining room chair

However, the hall and stairs carpet was declined on the basis no photos were taken of this item before it was disposed of.

Mr P brought a complaint to this service about the declined carpet, the delays during his claim, and the service he received. Throughout his claim and complaint, he's made the following points:

- When he registered the claim, he was told he would be contacted within 48 hours. But despite chasing AXA on at least ten occasions over eight days nothing happened, and he didn't receive a courtesy call back.
- He was finally put through to someone on the eighth day. But because the handler didn't want to talk on loud speaker whilst Mr P was driving, he received a parking fine. AXA used unjustified interrogation techniques during this call – and it also requested unreasonable proof of ownership and purchase.
- Although AXA appointed a company to inspect the damage, the visit was ten days after the claim had been made.
- He was originally told he could claim for the hall and stairs carpet due to it matching the carpet in the bedroom where the paint spillage occurred. Paint was also walked through the house, and the hall and stairs carpet was damaged – which could have been avoided if AXA had contacted him within the 48 hours stated in the contract, and the original call.
- The paint spillage was hazardous to his four children, and due to the size of his home it wasn't possible to simply close off a room whilst waiting for AXA to take action. He thought removing the carpets was reasonable in terms of preventing further loss and eliminating the risk posed to his children, but it was the last thing he wanted to do in the winter. If AXA's inspector had visited within a reasonable timeframe the damage could have been assessed, and there wouldn't have been a need to remove the carpets. AXA hasn't shown any compassion or consideration to there being four young children in the house.

- His family's health was impacted by the claim. Two of his children caught a virus due to their house being so cold without carpets – and he had to buy heaters which also cost money to run. An ambulance also had to be called for Mr P due to a severe migraine, which was caused by the stress of the claim.
- The carpet gripper rods posed a danger to his children's feet, and he and his wife had a continuous worry their children would slip down the stairs on the wooden steps.
- His wife's birthday was ruined, as was Christmas and New Year. He also had to sleep on the sofa, and his wife on a blow-up mattress.
- He didn't accept the £100 compensation offered by AXA for how his claim had been handled.

AXA made the following points:

- Whilst it endeavours to call customers back as soon as possible, there isn't a legal or contractual obligation for it to do so within 48 hours. However, AXA acknowledged there were some delays and a lack of call backs, so it offered Mr P £100 to apologise.
- The telephone interview was necessary to establish the details of the claim, and proof of ownership is a requirement of the policy.
- Substantiation was particularly important for Mr P's claim because he had disposed of the items prior to the inspection. However, AXA accepted Mr P's explanation of why items were thrown away, and it settled those he had provided photos of.
- Although the bedroom and hallway carpets matched, they are separated by a floor bar and are considered two separate rooms. Therefore, AXA is unable to cover the hall and stairs carpet based on it matching the bedroom carpet.
- During the claim registration Mr P didn't mention any damage to his hall and stairs carpet – and nor did the handler state this carpet would be covered. AXA has also listened to the other calls and at no point was Mr P told his hall and stairs carpet would be covered.
- The hall and stairs carpet wasn't damaged by the initial accident, so damage caused by paint being walked through the house would be a second claim. However, under the policy terms it was Mr P's responsibility to take all reasonable steps to prevent further loss, and the bedroom could have been closed off to stop the paint being spread. In any event, because photos weren't taken of the hall and stairs carpet before being disposed of, a second claim couldn't proceed. He was aware that photos were required to substantiate the damage.

Mr P's complaint was considered by one of our investigators, but she didn't think it should be upheld – she agreed with AXA's position. Because Mr P disagreed with our investigator, his complaint has been passed to me for a final decision.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Mr P says that when he registered the claim, he was told his hall and stairs carpet would be covered due to it matching the damaged bedroom carpet. However, I've listened to this call and the hall and stairs carpet wasn't discussed. Mr P didn't ask if other carpets would be covered, and he only reported damage in his bedroom. During this call, AXA also asked Mr P to take photos of the damage.

I have also listened to all the phone calls between when the claim was registered and when Mr P and AXA had a more in-depth discussion about the damage and the circumstances of the loss. The in-depth discussion took place eight days after the claim had been registered; and this is when Mr P asked AXA if he could claim for the hall and stairs carpet based on it matching the bedroom carpet, and AXA confirmed he couldn't. In none of the calls prior to this was the hall and stairs carpet discussed. As such, I'm not persuaded AXA led Mr P to believe his hall and stairs carpet would be covered before he disposed of it. Furthermore, during the in-depth discussion Mr P didn't indicate the hall and stairs carpet had been damaged.

Because there's a door bar that separates the bedroom from the hallway, AXA won't replace or contribute to undamaged carpets simply on the basis they matched the damaged carpet in the bedroom. Whilst the policy terms are silent on this scenario, AXA's position is in-line with our general approach. I haven't been shown anything that persuades me the hall and stairs carpet should be treated as a continuation of the bedroom carpet, so I'm satisfied AXA's approach is reasonable here.

Mr P also says the hall and stairs carpet was damaged by paint being walked through from the bedroom. But AXA still isn't prepared to cover the hall and stairs carpet due to it being disposed of before the inspection took place and there being no photos of the item. I can appreciate why Mr P disposed of the carpet given his concerns about paint being spread further and the safety of his children. But in my view, I can't reasonably decide that AXA should cover the carpet given it's not been shown anything to substantiate there was damage – particularly given Mr P had been asked to take photos.

Mr P has also raised concern about the length of time it took AXA to deal with the claim and the impact this had on his family. But although I don't doubt the situation was stressful, the claim was settled within 23 days of registration – which in my view isn't unreasonable. So overall, I'm not persuaded AXA is responsible for any of the issues Mr P has raised regarding his family's health and wellbeing.

Mr P was told during the claim registration call he would receive a call back within 48 hours, and this didn't happen. AXA also accepts there were delays during the first eight days, and I have seen that Mr P had to chase AXA for a response during this time – which given his circumstances at home understandably caused him inconvenience and upset. However, AXA has offered £100 compensation for the delays that occurred during the claim, and overall, I consider this amount to be fair – in my opinion the claim was settled relatively quickly after the initial eight-days.

Mr P has explained he felt interrogated, but in my view, AXA asked reasonable questions to establish the circumstances of the loss and the items damaged. In terms of the parking fine Mr P says he received during this call, AXA isn't responsible for where he parked, and nor did he indicate it was an inconvenient time to talk.

Given the items involved, I can understand Mr P's frustration with regards to the proof of ownership and purchase he was asked for. But equally, AXA was entitled to validate the loss. In any event, I'm satisfied AXA dealt with the claim fairly – all claimed items were settled, apart from the hall and stairs carpet.

**my final decision**

I'm sorry to disappoint Mr P. But for the reasons explained above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 23 November 2019.

Vince Martin  
**ombudsman**