

complaint

Miss M is unhappy with the repair of her sofa by Legal and General Insurance Limited (L&G).

background

I wrote my provisional decision in August 2015 which I've attached below.

L&G responded saying they have nothing further to add – though it will consider the claim again if Mrs M can provide a report from a suitably qualified specialist.

Mrs M explained again the circumstances of the claim – and the difficulty of properly repairing a smoke damaged sofa – supported by relevant literature. She has also explained the difficulty she had getting someone to inspect the sofa.

Finally, Mrs M has referred again to the photos of the sofa which she feels show it wasn't properly cleaned.

my findings

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

I've thought carefully about what Mrs M has said, but I still think that L&G has provided the most persuasive evidence. I'm not in a position to disregard the specialist's opinion.

I appreciate that it has been difficult for Mrs M to have her sofa inspected, but I don't think this should mean that L&G should take further action. So I don't uphold the complaint.

my final decision

For the reasons I've explained I don't uphold the complaint against Legal & General Insurance Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 13 November 2015.

Michael McMahon
ombudsman

copy of provisional decision

complaint

Miss M is unhappy with the repair of her sofa by Legal and General Insurance Limited (L&G).

background

Miss M's sofa was damaged following a fire at her home. She made a claim and the sofa was professionally cleaned. Miss M feels that the cleaners tried their best, but the sofa is not to the standard it was before the claim.

L&G believe that the sofa has been properly cleaned.

Our adjudicator, having looked at before and after photos, felt that the sofa was not in the condition it was before the claim. Because L&G don't agree, the complaint has been passed to me.

my provisional findings

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

L&G arranged for the sofa to be looked at twice by its agent – a specialist cleaning company. It has said that, in its opinion, the sofa has been cleaned to its pre-claim condition. More specifically it said:

"(the) sofa appears to have been cleaned correctly...on inspection the sofa appears unaffected by the cleaning process."

L&G has suggested that Miss M provides her own report. If the report changes L&G's mind, and further action is required, it will pay for the report. Miss M seems to have tried to get someone to inspect the sofa but without success.

I'm very reluctant to offer an opinion on the condition of the sofa based on photos. I'm not an expert in cleaning upholstery. Unless the difference is very obvious, I'm not in a position to comment with any authority.

My role is to decide if the actions taken by L&G are reasonable. I think it's fair for it to rely on the evidence of its experts. Of course, they were working for L&G but I would still expect them to act professionally. But if Miss M is concerned about the opinions provided, she can still ask someone of her choosing – and appropriately qualified – to inspect the sofa.

I appreciate that Miss M has tried to do this. But I don't think it's fair to disregard the expert's opinions because she cannot find someone to inspect the sofa.

I think L&G has shown, within reason, that the sofa has been cleaned to a reasonable standard and returned its pre-claim condition.

my provisional decision

For the reasons I've explained, I don't intend upholding this complaint.

Miss M and Legal and General Insurance Limited should write to me by 28 September 2015 with anything else they'd like me to consider. After this date I will send my final decision.

Michael McMahon
ombudsman